

Richard Paey is Finally Free!

By JOHN CHASE, NOVEMBER COALITION

After 3 1/2 years in prison on a 25-year sentence, Richard Paey's petition for sentence commutation was first on the agenda of the September 20 quarterly meeting of Florida's Clemency Board in the Capitol in Tallahassee, FL. I attended the meeting, which began at 9:00 AM. The room was packed with petitioners, their families, friends, and some lawyers. Previously, the Board had recommended against Richard Paey's petition for clemency.

Although "clemency" suggests the petitioner is remorseful and has been rehabilitated, Richard's lawyer, John Flannery, took a hard line. He said the prosecution was wrong from the start, that Richard was trying to treat his pain only because no medical professional would help him. He spoke to educate the Board and the audience that opiates do not do what people think they do.

Next up was Richard's wife, Linda, and their three children, who delivered a highly emotional plea to send their dad home. Although Richard's petition was for commutation only, Governor Crist granted a full pardon upon hearing the Paey family speak, before asking other members of the Clemency Board for comment.

Charles Bronson (Secretary of Agriculture) spoke in agreement and mentioned that police are put in a difficult position, considering what



Visit Toons by Paey at www.november.org/cartoons

the law says. Bill McCollum (Attorney General) agreed that the problem is the law. Alex Sink (Chief Financial Officer) didn't comment. When Crist took a vote, it was unanimous to send Richard home — immediately.

Thanks to everyone for letters, phone calls, faxes, and emails to Governor Crist and the Florida Clemency Board. We know for a fact that Crist alone received 50 letters.

Please know that such communications have a HUGE impact.
(For more on Richard Paey, see page 22.)



What is The November Coalition?

The November Coalition was founded in 1997 as a non-profit, grassroots organization with a mission to raise awareness in individuals and communities about the spiraling increase in numbers of imprisoned in the United States due to drug-law enforcement.

We arouse and activate fellow taxpayers about existing and impending dangers of an overly powerful federal government acting beyond constitutional constraints. We counsel victims of this peculiar 'war,' most of whom were minor participants, and warn our fellow citizens of the steady erosion of civil liberties, human rights and personal freedoms allowed by federal and state authorities.

Coalition members and supporters are convinced that the War on Drugs does nothing but stimulate an ever more profitable and violent underground economy. The intent of any law should create a safer country and safer world, not one more costly and less free.

Visit us on the web at www.november.org.

NONPROFIT
ORGANIZATION
U.S. POSTAGE PAID
SPOKANE, WA
PERMIT NO. 91

November Coalition Foundation
282 West Astor • Colville, WA 99114
(509) 684-1550 • www.november.org

Working to end drug war injustice!

The November Coalition

Vol. 10 No. 2

Razor Wire

Winter 2007/2008



A MESSAGE FROM THE DIRECTOR

By Nora Callahan

In the mid-1980's, US lawmakers bent to the will of a get-tough-on-drugs crowd and gave birth to two kinds of criminal sentencing schemes. They were given two different names. One scheme called Mandatory Minimum Sentencing was anything but minimum.

Another set of sentencing laws was adopted and called the US Sentencing Guidelines, but they weren't a guide at all, just more mandatory sentencing. Then, with a whoosh, Congress abolished parole and sentencing was changed completely — gone was hope for earned early release.

Since then, there have been some dramatic changes — even if legal experts haven't explained them yet. Yet ordinary people, watching the federal sentencing scene, know that levels of expectancy higher than other times of wishful thinking are felt by more people than just 19,500 federal prisoners now eligible to petition trial judges for retroactive relief.

Sentencing relief estimates average about 15 months per qualifying defendant, qualifications not yet published by legal experts. On the eve of winter, news that as much as 24,000 years of freedom could be granted which, over time, may save taxpayers at least a billion dollars has raised a lot of eyebrows. Hopes are up too.

Just before the US Sentencing Commission granted retroactive crack cocaine sentencing relief, the Supreme Court decided the US Sentencing Guidelines were just that — guides for judges and not the mandatory grid that's been laid over convicted people for almost three decades. Even less noticed — some restored judicial discretion hints that new restraints on unchecked prosecutorial power in the lower courts are in the works.

Confusing or not, we still have drug and other mandatory minimum sentencing — and the Supreme Court has yet to tell us how one mandatory sentence is unfair, and another system that harnesses a judge's discretion is okay. It's going to get crazy in the courts.

I'm counted among those imagining big changes, not just minor adjustments, to come. But before heralding great victory, we should be aware that increased judicial discretion might also lead to class and race disparity in sentencing, just as prosecutorial discretion has. It did in the past.

What's yet to be done is to address policing entirely, something the USSC tried to do in their 2004 *15-Year Assessment*. The USSC admitted it couldn't monitor 90% of the sentencing system partly because "sentencing begins at investigation," going on to explain that police deliberately leave a defendant in a 'sting' within a 'conspiracy' long enough to sell enough drugs that will merit a sentence police investigators think the suspect deserves.

That tangled hidden system of policing, when coupled with classism and racism — if institutionalized, or overt — lends to a system that fails without development and oversight from 'stakeholders' — people from our communities, including those carrying the stigma of felon.

What's largely missing is exploratory talk about what should replace a failed system of punitive beliefs, laws and policies. Missing is talk of restorative justice, a system of corrections that promises to develop safer communities with balanced alternatives to criminal sentencing for misconduct.

The authors of *Unlocking America* more earnestly begin that discussion than I've noticed from social scientists of late. We appreciate



September 15, 2007
United States Sentencing Commission
One Columbus Circle, NE
Washington, DC 20002-8002

Attention: Public Affairs — Retroactivity Public Comment

Dear Honorable Commissioners:

Today, millions of citizens know that sentencing reform using guideline sentencing is in its third decade of development.

There are more critics today than ever before, and dissent is rising. The Commission's work through the years acknowledging the adverse impacts of the sentencing disparity of the 100-to-1 crack cocaine ratio has not gone unnoticed. This letter is to urge the distinguished Commission's support of retroactive sentencing relief.

The absence of data the Commission needs to substantiate and make further recommendations — almost 30 years into the process of injecting transparency, consistency, and fairness into the sentencing process — is not the Commission's fault. It is, though, the Commission's responsibility to recommend rectification, and we know that burden brings great weight to the shoulders of the Commissioners.

This is especially so today as federal incarceration rates continue to soar in record numbers, and over-crowding of federal correctional institutions remains a continuing barrier to public safety. This letter is to demonstrate that there is public support for retroactive sentencing relief.

Retroactivity might restore some citizen faith that a new system of sentencing is not so rigid that it can't serve society.

Without a period of sensible, fair and equal adjustments, new ground will be laid for another period "ripe for reform," requiring sudden drastic measures, and allowing for another three decades of scant data collection and failure to promulgate procedure.

Without retroactive sentencing relief (not to be confused with re-sentencing), cherished legal principles will be set aside, mostly because of political reasoning. The goals aforementioned will be out of reach—furthering the public's perception that crack cocaine sentencing disparities are racially motivated, not lessening that perception.

The Commission's own conclusions within the 2004 15-year Guidelines Assessment reveal that without data, public perception becomes the basis of fact. This fact also lends new legitimacy to the power of the Commission to convince Congress to enact an orderly system of retroactive sentencing relief. The goals of the Commission to reduce unwarranted disparity, increase rationality and transparency of punishment, and make punishment proportional cannot be accomplished without retroactive sentencing relief. Showing a lack of progress at improving these important components toward a more just system of sentencing will only breed more despair and disrespect for law.

Without retroactive sentencing relief, justice remains disparate. Thank you.

Sincerely,
Nora Callahan
November Coalition

their permission to reprint it for you in this issue as an insert, and look forward to readers' comments.

We know that the USSC heard from a record number of people regarding crack cocaine sentencing retroactivity. According to the *Connecticut Post* online in a December 2, 2007 article entitled *Drug laws called unfair to minorities*, "More than 33,000 letters of comment were sent to the Commission on the retroactive proposal." Most letters encouraged retroactivity.

Trillions of dollars are there to be reinvested in social rehabilitation programs instead of imprisonment. So we'll stand with people who live in economically hard-pressed communities who demand money be invested where they live, not in far away prisons. The time for those demands is now.

In Struggle,

Nora



Upcoming Events

January 7, 2008, New York City. *Drop the Rock Coalition Meeting*, 6:00 - 8:00 PM at the Correctional Association, 135 East 15th Street, New York, NY. For more info, contact Caitlin Dunklee at: cdunklee@correctionalassociation.org

January 28-31, 2008, Panaji, Goa, India. *First Asian Consultation on the Prevention of HIV Related to Drug Use*, at The Kala Academy, Panaji, Goa, India. For more info, contact +91-26143473 or support@responsebeyondsborders.com, or see www.responsebeyondsborders.com

February 13, 2007, Vancouver, BC, Canada. *Forum Series: Where Should Public Health End and Criminal Justice Begin?*, 12:00 - 1:30 pm at UBC Robson Square Theatre, 800 Robson St., Vancouver, BC. For more info & to register, contact 604-822-1444.

February 14, 2007, Boulder, CO. *Anti-Drug War Candlelight Vigil*, 5:00 - 6:00 pm at the Corner of Broadway & Canyon, Boulder, CO. The event is in honor of the fallen in the War on Some Drugs.

February 20, 2007, Vancouver, BC, Canada. *Forum Series: What Do We Tell the Kids?*, 12:00 - 1:30 pm at UBC Robson Square Theatre, 800 Robson St., Vancouver, BC. For more info & to register, contact 604-822-1444.

February 27, 2007, Vancouver, BC, Canada. *Forum Series: How Should Public Money Be Spent?*, 12:00 - 1:30 pm at UBC Robson Square Theatre, 800 Robson St., Vancouver, BC. For more info & to register, contact 604-822-1444.

March 21- 24, 2008, Basel, Switzerland.

World Psychedelic Forum 2008. For more info, see <http://psychedelic.info>

March 25, 2008, Albany, NY. *Drop the Rock Advocacy Day: End The Rockefeller Drug Laws!* Visit www.correctionalassociation.org for details, venue and times.

April 4-5, 2008, Pacific Grove, CA. *The Fifth Annual Clinical Conference On Cannabis Therapeutics: Re-Entering Mainstream Medicine.* At the Asilomar Conference Center, Pacific Grove, CA. Hosted by Patients Out Of Time. For more info & to register, see www.medicalcannabis.com

April 8, 2008, Tucson, AZ. *Toward a Science of Consciousness 2008*, at the Tucson Convention Center, Tucson AZ. The eighth biennial Tucson conference continues an interdisciplinary tradition of intense, far-ranging and rigorous discussions on all approaches to the fundamental issue of how the brain produces conscious experience. For more info, see <http://tinyurl.com/2u35fz>

April 12 - 15, 2008, Washington, DC. *CURE (Citizens United for Rehabilitation of Errants) 10th Annual Convention*, at the Harrington Hotel, Washington, DC. For more info, contact 202-789-2126 or cure@curenational.org, or see www.curenational.org

May 30- June 1, 2008, Philadelphia, PA. *National STOPMAX Campaign Conference - No More "SuperMax" Prisons!.* At Temple Univesity. Presented by American Friends Service Committee. For more info, contact 215-241-7137 or nblack@afsc.org

September 26 - 28, 2008, Oakland, CA. *Critical Resistance 10th Anniversary Conference and Strategy Session.* For more info, contact the Conference Planning Committee at 510-444-0484 or cr10@criticalresistance.org, or see www.criticalresistance.org

November 13 - 16, 2008, Miami, FL. *7th National Harm Reduction Conference*, at the Radisson Hotel, 1601 Biscayne Blvd, Miami, FL. For more info, contact Paula Santiago at 212-213-6376, x15 or see www.harmreduction.org

How to Communicate with The November Coalition

• **Letters:** We receive lots of mail. Rest assured that we read every one of them, but we simply don't have the time or staff to actually respond to more than a few.

• **Legal cases:** We cannot offer you legal representation or advice. Please do not send us your legal work unless specifically requested.

• **Prisoner profiles (The WALL):** Please continue to submit your stories, but if at all possible, send pictures with them, preferably of a prison visit with your loved ones. Stories should be concise, factual, and include personal background such as age, family status etc. *Although The November Coalition staff endeavors to verify the accuracy of WALL stories, written by the prisoners themselves, we assume no responsibility for their content.* Credentialed media can be provided with documentation and family contacts if they wish to research a story. To do so, please contact media@november.org.

• **Articles for Razor Wire & Internet:** Editorials should be no more than 800 words; articles no more than 1,200 words. Submitted items should be typed & double spaced, or neatly printed by hand if you don't have access to a typewriter. Please limit the use of bold, italics, underline, or other special formatting.

• **Artwork:** We need your cartoons and sketches, please! Let your creativity and imagination run wild.

• **Donations:** We will gladly accept postage stamps from prisoners and others, as well as monetary donations.



282 West Astor • Colville, WA 99114

Voice & Fax: (509) 684-1550

moreinfo@november.org

www.November.org • www.NoNewPrisons.org

www.NovemberSoap.com

Staff: Chuck Armsbury, Nora Callahan,

Tom Murlowski

Board of Directors: Teresa Aviles, Aaron Dixon, Nora Callahan, Doug Hockin, Rachel Morton

The Razor Wire is a supplemental communication to imprisoned members of the November Coalition. Published twice a year, we notify members of special projects and progress, maintaining a daily updated website at www.november.org. Join thousands that visit us online for up-to-the-minute drug war reports and instructions on how they can help end the failed war on drugs. Support people working to end drug war injustice with a donation and membership in November Coalition today.

To join The November Coalition and receive this newspaper, see membership form on page 22.

If YOU OWN OR OPERATE A RETAIL STORE, OR DO COMMUNITY ACTIVISM, CONTACT OUR OFFICE FOR INFO ABOUT BULK DISTRIBUTION.

Richard Paey Speaks

By RADLEY BALKO

In October of this year, Florida Gov. Charlie Crist signed a pardon for Richard Paey, a paraplegic with multiple sclerosis who had served nearly four years of a 25-year prison sentence for drug trafficking. Paey was convicted of trafficking despite concessions from prosecutors that there was no evidence the painkillers in his possession were for anything other than his own use. When police came to arrest the wheel-chair bound Paey, they came with a full-on SWAT team, battering down the door and rushing into the home of the wheelchair-bound Paey, his optometrist wife, and their two school-age children.

Prosecutors offered Paey a plea bargain, but he refused, insisting that he shouldn't have to plead guilty to a felony for treating his own pain. Paey was tried, convicted, and given a 25-year mandatory minimum sentence. While in prison, the state of Florida paid for a morphine pump that administered painkillers to Paey at rates higher than what the state convicted him of for possessing in the first place.

Christ and Florida's pardon board issued Paey's pardon after heavy media coverage of his case, including by *60 Minutes*, and the *New York Times*, as well as by *Reason's* own Jacob Sullum and Radley Balko.

Reason: How is life since you've been released?

Richard Paey: It's dreamlike. I have to catch myself now and then. There are times when I'm not sure if I'm awake or still dreaming. In prison, you survive by developing routines. You stop thinking. The routine becomes your life. You follow set behaviors. I still engage in that when I wake up. It's a different reality.

Reason: How were you treated by other inmates?

Paey: Very well, actually. That was one surprise. I'd almost call it a shock. People I

would never have associated with — people I'd have been afraid of if I'd seen them in a free-world environment on the street, people with tattoos, crazy hair, and so on — as I got to know them, and was accepted as one of them, they treated me very well. I never had the fear of violence from any of the other inmates. In fact, something else happened. I found I had more fear of some of the officers who worked in the system and engaged in behaviors that we'd like to think don't go on in the prison system.

Reason: Were you ever beaten?

Paey: There was one time I was hit by an officer. I was sleeping in my bed at around one o'clock in the morning. The lights were on — the lights are always on — and the shift officers were conducting their "shake down" — which means they come in and go through all of your belongings to search for contraband. It seemed to come out of nowhere, he had a radio in his hand, and he swung it down as hard as he could and he hit my legs with it. If I could have gotten out of bed and hit him, I would have. He said to me, "I just wanted to see if you had feeling in your legs." He saw the wheelchair next to my bed, and that the sheet was covering my legs.

But there are other kinds of abuse that you wouldn't think about. Things like leaving the lights on 24 hours a day. I went more than 30 days in solitary where the lights were on the entire time. And other things, like slamming the doors when they do security checks. They come by every hour and give your door a loud kick. When you're inside a cell and someone comes by and gives that big iron door a kick once an hour, the sound just ricochets between your ears. So systematic sleep deprivation is common. I would see men go into solitary and when they came out weeks later, their hair would be completely gray.



A grateful Richard Paey, released from Tomoka Correctional Facility on the day of his pardon

Reason: Governor Crist and Florida Attorney General McCullom both not only voted for your pardon, they both expressed regret that perhaps mandatory minimums and zero tolerance drug laws had gone too far — pretty notable statements coming from two stalwart advocates of the drug war. Are you aware of any efforts by them or the Florida legislature to reform these laws?

Paey: I don't know if those two in particular are doing anything. I know that advocates here in Florida including people from Families Against Mandatory Minimums and the November Coalition are pushing legislation to deal with the problem. One bill would I think would remove prescribed opiates from the drug trafficking statutes. I believe the November Coalition wants to use my case as a platform to go after mandatory minimums both in Florida and in other states — to point to my case as an example of the absurd results that can come from these laws. I'm not aware of anything the governor or anyone in Tallahassee in particular are doing to remedy the problem that brought my case to their attention.

(Ed.— Excerpted from a longer interview at Reason Online.)

US Supreme Court Rulings Give Judges More Discretion in Sentencing

By JOHN BURTON

In two rulings December 10, the Supreme Court gave federal judges additional discretion in sentencing people convicted of federal crimes by allowing them to deviate from the draconian US Sentencing Guidelines. While the result is likely to shorten some prison terms, the United States will no doubt continue to lead the world in the percentage of its population incarcerated.

The most immediate beneficiaries of the rulings are the people charged with or serving sentences for offenses relating to the use, possession or sale of crack cocaine. In *Kimbrough v. United States* the Supreme Court authorized trial judges to disregard entirely the sentencing guidelines, which treat one gram of crack cocaine as equal to 100 grams of powder. This particular provision has been extensively criticized for its racially disparate impact because crack defendants are far more likely to be African-American users and low-level dealers, while high-level traffickers more likely deal in powder.

In response to the ruling, the US Sentencing Commission voted Tuesday to retroactively reduce crack cocaine sentences, potentially shortening the terms of almost 20,000 prisoners — 10 percent of all federal inmates. It is expected that some 2,500 people will be freed this March when the new cocaine guideline takes effect.

In the other case, *Gall v. United States*, the defendant was prosecuted for trafficking in the drug ecstasy while a second-year college student. He stopped selling and using drugs three years before his arrest, however, and graduated from the University of Iowa. He is presently employed as a master carpenter in the construction trade. The Supreme Court allowed the trial judge to take into account the defendant's "self-rehabilitation" and disregard the 30-month minimum prison term under the guidelines. Instead, the judge sentenced him to three years probation.

The federal sentencing guidelines were enacted during the 1980s as a result of right-wing "law-and-order" demagoguery promoted by the Reagan administration and avidly supported by Congressional Democrats. The guidelines, along with stiffer sentencing in the state courts, caused the United States prison population to skyrocket. The total number of inmates more than doubled between 1990 and 2006, despite declining crime rates tied to the general aging of the population and other demographic factors.

Over the last 20 years, police and prosecutors frequently chose federal courts for prosecuting drug crimes to take advantage of the high mandatory sentencing guidelines. Several federal judges resigned their lifetime appointments because of the long sentences they were required to mete out. Others openly criticized the guidelines as inhumane.

The Supreme Court softened the impact of the guidelines three years ago in *Booker v. United States*, a decision that has caused many lower courts to question the extent to which the sentencing guidelines were advisory or mandatory. This week's decisions appear to resolve the matter, making the guidelines advisory only.

Both majority opinions were authored by court moderates, with Associate Justice Ruth Bader Ginsburg writing *Kimbrough* and Associate Justice John Paul Stevens writing *Gall*. The reactionary four-justice bloc had a rare split, with Chief Justice John Roberts and Associate Justice Antonin Scalia joining the majority, while associate justices Clarence Thomas and Joseph Alito dissented.

Although the two rulings suggest that federal prison sentences will become shorter and the prison population smaller, ironically during the three years following the *Booker* decision the average federal criminal sentence actually increased. The sentencing guidelines work both ways — the additional discretion now available to trial judges authorizes them to hand out sentences longer than those authorized under the guidelines. The fundamental injustice of overly long sentences under federal criminal statutes remains in place.

By refusing to apply the constitutional ban on "cruel and unusual punishment" to extremely long sentences — for example, the high court upheld a state court sentence of life in prison for a theft committed by someone with two prior felony convictions — the Supreme Court sits atop a criminal justice system which incarcerates about one out of every 100 adults, and one in every nine black males between the ages of 25 and 29.

With the advent of DNA testing, hundreds of prisoners have been found innocent and freed. Studies have revealed that most were convicted based on police and prosecutorial misconduct, including coerced confessions, suggestive eyewitness identifications, phony scientific evidence and the suppression of exculpatory information.

USSC Approves Crack Reform for Federal Prisoners

The day after the Supreme Court affirmed a judge's decision to sentence below the guideline range based on the unfairness of the crack cocaine sentencing disparity, the United States Sentencing Commission today voted to make retroactive its recent guideline amendment on crack cocaine offenses.

The USSC's decision now makes an estimated 19,500 persons in prison eligible for a sentence reduction averaging more than two years. Releases are subject to judicial review and will be staggered over 30 years.

"The Commission's decision marks an important moment not only for the 19,500 people retroactivity will impact, but for the justice system as a whole," stated Marc Mauer, Executive Director of The Sentencing Project. "Today's action, combined with the Court's decision yesterday, restores a measure of rationality to federal sentencing while also addressing the unconscionable racial disparities that the war on drugs has produced."

The Sentencing Project estimates that once the sentencing change is fully implemented, there will be a reduction of up to \$1 billion in prison costs. Because African Americans comprise more than 80% of those incarcerated for crack cocaine offenses, the sentencing reform will also help reduce racial disparity in federal prisons.

The Commission sets the advisory guideline range that federal judges

use when sentencing defendants. In May the Commission recommended statutory reforms and proposed to Congress an amendment to decrease the guideline offense level for crack cocaine offenses. The amendment went unchallenged by Congress and went into effect on November 1st. The Commission's action today makes that guideline change retroactive to persons sentenced prior to November 1st.

The guideline changes do not affect the mandatory minimum penalties that apply to crack cocaine, which can only be addressed through Congressional action.

"Justice demands that Congress take the next step and eliminate the harsh mandatory minimums for low-level crack cocaine offenses," said Mauer.

The Commission's vote comes a day after the United States Supreme Court ruled 7-2 in *Kimrough v. United States* that a federal district judge's below-guideline sentencing decision based on the unfairness of the 100 to 1 quantity disparity between powder and crack cocaine was permissible.

In June, Sen. Joseph Biden introduced the *Drug Sentencing Reform and Kingpin Trafficking Act of 2007*, legislation which would equalize the penalties for crack and powder cocaine offenses. Biden's bill, S. 1711, aims to shift federal law enforcement's focus from street-level dealers towards high-level traffickers.

ANNUAL MEMBERSHIP INCLUDES THE RAZOR WIRE
NEWSPAPER AND OTHER SPECIAL NOTICES

Count Me In!

Working to end drug war injustice

My Contact Information (non-prisoner):

Name _____
Address _____
City _____
State _____ Zip +4 _____
Phone _____
Email _____

Annual Dues: \$30 • Students: \$15 • Prisoners: \$10

☐ I don't know a prisoner, but I will sponsor one.
I have enclosed an additional \$10.00

Total Enclosed: \$ _____

TNC is a 501(c)(3) non-profit organization. Your gift or donation is tax deductible.

Do you have a loved one in prison?

☐ I want to sponsor my imprisoned loved one's membership and have enclosed an additional \$10.00.
☐ I am a prisoner. I have enclosed at least \$10.00 (money order or stamps), or made arrangements for payment.

Name _____
Registration Number _____
Prison _____
Address _____
City _____
State _____ Zip +4 _____

The November Coalition
282 West Astor • Colville, WA 99114

Voice & Fax: (509) 684-1550 • Web: www.november.org

Set in Steel: Prison Life Without Parole

By MAYA SCHENWAR

For federal prisoners, the prospect of early release expired in 1987. As prisons bulge and recidivism persists, why is the parole ban still in place?

In 1982, when George Martorano pled guilty to charges of marijuana possession and drug conspiracy, he was expecting ten years in prison, at most.

Today, after 24 years, Martorano holds the honor of longest-serving nonviolent first-time offender in the history of the United States. He's all too ready to forfeit that mark of distinction, but if his sentence plays out as issued, he'll be looking at several decades more: Martorano is serving a life sentence for three years of transporting and selling marijuana. Despite his spotless prison record — not to mention his suicide-prevention volunteer work, his yoga practice and the 20 books he's written while incarcerated — he has no hope of being released.

Martorano is just one of almost 200,000 inmates in federal prison, many of whom have no chance for early release, thanks to the *Sentencing Reform Act of 1984*, which abolished parole at the federal level. The toughening of prison legislation over the past 20 years has also meant longer sentences for nonviolent offenders, combining with the parole ban to prompt a sharp increase in the federal prison population. As it stands, the beefed-up federal prison system costs taxpayers \$40,000 per year for every inmate, and it costs inmates whole decades of their lives.

"We're being warehoused," Martorano said in a phone interview. "It's taken a million dollars just to keep me in."

Since the parole ban took effect, the federal prison population has more than quadrupled, according to the Bureau of Justice Statistics.

In the past few years, the sentencing system has been slowly changing in other ways. For example, the US Sentencing Commission recently shortened its recommended sentences for crack cocaine offenses, and Congress has shown signs that it will consider bills addressing the disparity between penalties for crack and powder cocaine. The Supreme Court is deliberating whether judges should be able to grant sentences that dip below established guidelines for sentence lengths.

However, Congress has taken no steps toward reversing course on federal parole. Although a bill to revive parole for federal

prisoners has been introduced repeatedly in the House over the past few years, it has never made it to the floor for a vote. And an official at the US Sentencing Commission, who asked not to be identified, said he was not aware of any impetus that would bring back parole anytime soon.

As the prison population continues to explode, many influential voices in Congress and the public sphere are still touting a hardline philosophy when it comes to criminal justice, according to Representative Danny Davis (D-Illinois), who has sponsored the federal

parole reinstatement bill for the last two Congresses.

"People don't want to be characterized as being 'soft on crime,'" Davis said in an interview. "They are still afraid that characterization will follow them. You would think that a country that is supposed to be as progressive as ours would've recognized that this approach is not working."

Toward Sentencing "Truth"

In the 1980s, when the movement to abolish parole swept across state sentencing systems and reached the federal government, "tough on crime" was the mantra of the day. The federal parole ban, part of a broad Sentencing Reform Act, which also lengthened and standardized prison sentences, passed in 1984 and was enacted in 1987. It represented one step in a movement toward "truth in sentencing": Abolishing parole was intended to ensure that judges — and the families of victims — would know how much time defendants would actually be serving.

"Truth in sentencing" eliminated the authority of a third party, the Parole Board, which could substantially alter a sentence after the judge was out of the picture. A paroled prisoner might serve as little as one-sixth of his or her sentence. After the ban, a prisoner could only earn "good time," a subtraction of no more than 54 days a year.

At the time it passed, the parole ban seemed something of a panacea: It fulfilled the goals of not only the "tough on crime" crowd, but also of a group of Democrats pushing for "fairness in sentencing." They hoped the abolition of parole, along with clarified guidelines for sentence

lengths, would help to overcome the justice system's glaring racial disparities in sentences.

The act passed, garnering little attention. No public hearings were held before it was debated.

Supreme Court Justice Stephen Breyer, who served on the US Sentencing Commission prior to his court appointment and, before that, participated in the shaping of the 1984 law, described the act as promoting "greater honesty in sentencing."

"Under previous law the Parole Commission determined (within broad limits) how much time an offender would actually serve," Breyer said in a speech at the University of Nebraska College of Law in 1998, of the thought process that went into the crafting of the legislation. "A judge might sentence an offender to 12 years, but the Parole Commission might release the offender after four. No one — not offender, judge or public — could say in advance what a 12-year sentence really meant."

Without parole, Breyer explained, he and the other crafters had hoped the sentencing system would be "transparent, more candid, than before."

However, when the new guidelines were enforced, some began to question whether the power to discriminate was simply being shifted from the Parole Commission to the prosecutors, according to Nora Callahan, executive director of the November Coalition, a nonprofit organization working for drug sentencing reform.

The prisoners getting the longest sentences, Callahan said, were not necessarily the ones who had committed the most egregious crimes. They were often the ones who didn't know much about judicial system, since they had less money, less education and less access to legal aid.

Take Danielle Metz, a nonviolent first offender and mother of two, who was sentenced to three life sentences plus 20 years for helping her husband distribute cocaine. She pled innocent despite evidence of her guilt. Later, she discovered her public defender was primarily a traffic lawyer.

"When you lack knowledge of the law, they can do whatever they want to you," Metz said in a phone interview. "No one explained to me what was going on until it was too late."

Soon, thousands of cases like Metz's were cropping up: nonviolent first offenders sentenced to life in prison, without a hope of early release.

CONTINUED ON NEXT PAGE



Dear Editor:

I borrowed a copy of last month's *Razor Wire* belonging to my neighbor, Noah Robinson. In between my own room and the law library, somebody picked it up, and I need a copy to replace the missing edition. Can you help?

Mr. Robinson claims he would rather have lost his Oakleys sunglasses than his *Razor Wire*. The edition was last month's, and I can pay for another copy if needed. Please let me know. — Coleman J. Fenton Jr.

(Ed. - Two fresh copies of the Summer 2007 *Razor Wire* have been sent to you and Noah Robinson. Thanks for the nice letter!)

I have spent the last 14 years at FCI Sheridan, for a drug conspiracy. But as of right now I'm in one of the county jails in Portland. I was one of the inmates indicted for a tobacco conspiracy, which holds a maximum sentence of six months. Since I'm going to be here for a while, I would like to get a copy of one of your newsletters to share with these guys in the county jail. They have never heard of your organization, so I want to show them what I'm talking about. Also if you want to know any more

about the so called tobacco conspiracy please let me know. I will be looking forward to hearing from you. Thank you for your time in this matter.

Yours truly, Randy

Hello,

I've been reading a lot of your literature and I wanted to tell you that my son was sentenced to LIFE even though he never had a traffic ticket in his life. First offense, and he had a promising career with the World Football/NFL league. He was convicted in 1994 and is still serving time in federal prison for conspiracy to sell crack cocaine. There were no evidence of drugs and the co-defendants took advantage of the "help yourself" clause and got 5 years. Now, I'm not upholding any wrongs of either of their parts but ENOUGH ALREADY! With the Sentencing Commission reforming the crack laws, I pray for justice — as a Mother I want my son to get the relief he deserves. Thank you for all your hard work and dedication. — Sincerely, Ms. G.I.

A fellow inmate let me read several issues of your *Razor Wire* publication and I felt like I had been given a treasure. When I was arrested several months ago I vowed to continue my activist lifestyle and believed there was much work to be done in prison, but I wasn't sure how and where to get started.

Your magazine provides me with many threads to follow up on and a wealth of resources to discover. So please accept my subscription fee and include me on your mailing

list. I am looking forward to your next publication. — Sincerely, John

I just want to thank you for your work at the November Coalition. I feel the information that I obtain from your organization is very important.

I write greeting cards for InsideOutz, a company that sends cards to prisoners all over the world. When I read stuff from your organization, it reinforces my reasons for trying to help inmates. There are many who need personal support and the support of society.

I will continue creating as I know my words are on the walls of inmate's cells everywhere. Thanks for your indirect help and encouragement. — Mark Morgan, www.insideoutz.com

Hello Good People at the November Coalition,

I know that the holidays are coming. I'd like to do a small Mitzvah project making handmade Holiday greeting cards to send to prisoners.

I looked up "prisoner pen pals" on the Internet and most of the sites seemed to be either commercial or somewhat sexual. Do you have a suggestion about how I could obtain addresses without paying or getting involved with romantic overtures?

Thank you — Ben Kintisch, Jewish Theological Seminary

(Ed. — We directed Ben to several resources for obtaining prisoner addresses.)

Imprisoned Loved One Needs Money Fast?

Is it the weekend and all US Post Offices are closed? The Federal Bureau of Prisons (and some state prisons) allows Western Union financial transfers — for a fee. You can use phone or computer to send money to loved ones inside, and the amount transferred will be posted to their prison accounts within a few hours. If your loved one was recently transferred, it may take a few days for the Quick Collect Program to work.

A prisoner's family or friends must complete a Quick Collect Form on-line or at a Western Union office. If you call Western Union, the agent will complete the form over the phone for you. To find the nearest office, call 1-800-325-6000 or go to www.westernunion.com. To transfer funds using Quick Collect via phone, call 1-800-634-3422 and press option 2.

The Western Union system will not accept any erroneous inmate numbers or incorrect names. For details on sending money orders using the Western Union Quick Collect Program, go the BOP's website at www.bop.gov/inmate_programs/money.jsp

Remember that funds may be sent to federal prisoners through the US Postal Service or Western Union's Quick Collect Program. Either way, the prisoner must physically be held at a BOP facility before funds can be received and posted, or funds will be returned or rejected.



Rally Against the Drug War September 22, 2007 Huntington Beach, CA

In the latter part of 2007, Ocean County NORML and November Coalition co-hosted regular monthly rallies in Southern California.

Above, TNC volunteer Rachel Morton (far right) holds the Coalition banner.

For more rallies and pictures, see www.ocnorml.org and www.november.org/LocalScenes

November 29, 2007 — San Francisco Chronicle (CA)

Column: Free Clarence Aaron

By DEBRA J. SAUNDERS, SAN FRANCISCO CHRONICLE

Is there any mercy in America for Clarence Aaron? Aaron has been on the wrong end of a gross miscarriage of justice, yet somehow, few voices will speak for him.

In 1992 at age 23, Aaron broke the law. While he was a senior at Southern University in Baton Rouge, La., he became a go-between for two drug dealers for two deals; one deal didn't happen, the other involved 9 kilograms of cocaine. He was paid \$1,500.

Federal prosecutors in Alabama honed in on the dealers. Eventually they charged six individuals for the deals, including Aaron.

Oddly, having no criminal record, Aaron found himself at a distinct disadvantage. He didn't have the drug-trade savvy that could have instructed him in how to trade information on others in order to win short time in prison.

And Aaron didn't know that fighting prosecutors can deliver a longer sentence than dealing drugs.

So he screwed up again — he pleaded not guilty and lied during his trial.

All of the other five co-conspirators received shorter sentence than Aaron.

The kingpin, who admitted having made more than a million dollars selling crack, served less than eight years. The friend who lured Aaron into the deal had a criminal record; he and two other co-conspirators served less than five years in prison. They garnered shorter sentences by pleading guilty and testifying against Aaron.

Aaron's sentence for a first-time nonviolent drug offense: Life without parole, actually three life sentences. The feds had managed to inflate Aaron's sentence by charging him with dealing more than 23 grams of crack cocaine — even though, as the 1999 *PBS Frontline* documentary "Snitch" reported, no physical evidence of the drugs was presented in court.

Also, the second 15-kilogram deal never happened, and one dealer bought powder not crack, which carries a longer sentence than powder cocaine from the other, but the crack charge stuck because the buyer converted the power into crack.

Only one other co-conspirator is still in prison, and he too failed to cut a deal.

J. Don Foster, the U.S. Attorney whose office prosecuted Aaron, told *Frontline*, "You know, the tendency to feel sorry for him is in relation to these other people that did cooperate and that did help themselves and got less time. And even though they were perhaps guiltier or more



culpable, they got less because they helped solve the case. They helped to bring everybody to justice.

And the one person or two — I think there were two that went to trial in that case — that didn't, you know, suffer the results or the consequences of the arrogance of thinking that you're — you're going to beat this, that 'I'm too good. I'm too good to take a deal.'

That's a stark, if unintended, admission that some prosecutors think crossing them is a worse crime than being a drug kingpin.

Aaron, now 38, has a spotless disciplinary record, yet he will live in prison until he dies — unless President Bush commutes his sentence.

In July, the president commuted the 30-month prison sentence of former vice

presidential aide Scooter Libby because it was "excessive." Hello — Clarence Aaron's sentence is excessive, squared.

After 14 years in prison, Aaron wrote in an update to his presidential commutation petition that he regrets "the weakness that led me to get involved in a drug deal." And: "From the day I entered the prison door, I made a promise to myself that I would meet the trials of life head on, and I have become a stronger person behind these walls."

His prison work record is exemplary. He has a "clear conduct" record. He has continued his education. In 2005, two wardens recommended that Aaron be transferred to a lower security facility.

Newspapers frequently report stories about repeat violent offenders who game the system, get out of prison and hurt more innocent people. Let me be clear:

Violent repeat offenders should serve hard time, and enjoy no breaks. But life without parole for a nonviolent first-time offense is an outrage.

And it doesn't make America safer — not when the kingpins get out of prison sooner, because, to paraphrase Foster, they don't act arrogant.

(Ed. - Debra Saunders of the San Francisco Chronicle has championed Clarence Aaron's freedom for many years in her nationally syndicated column.

If you would like a copy of PBS Frontline's Snitch on DVD, contact our office.)

LIFE WITHOUT PAROLE FOR A NONVIOLENT FIRST-TIME OFFENSE IS AN OUTRAGE. AND IT DOESN'T MAKE AMERICA SAFER ...

The Marijuana Project of Washington State

The Marijuana Project advocates for the rights of medical marijuana patients in Washington and beyond. That work takes the form of legal defense, and advancing patients' interests through the education of lawyers, lawmakers, health professionals, and voters.

The Project is a collaboration of The November Coalition with The Law Office of Douglas Hiatt in Seattle, Washington. Sunil Aggarwal, PhD candidate and past president of Washington Physicians for Social Responsibility serves as project advisor.

Volunteer opportunities abound, visit our website at www.marijuanaproject.org



www.marijuanaproject.org

PAROLE ... CONTINUED FROM PAGE 4

Another such prisoner, David Correa, who was incarcerated 18 years ago for transporting 495 grams of powder cocaine, pointed to the way the strict-guideline sentencing system can still trip up defendants

in court, depending on which aspects of their crimes are highlighted and which legal moves they choose.

"Because I really had nothing to offer the prosecutor, because I took my case to trial, because in order for me to take a plea deal I had to say I was guilty of gun charges that I never had, and because I had to give names that I didn't have either, I am now doing a life sentence," Correa wrote in a letter to me.

Parole Forgotten

Once the parole ban was in place, though, it did not budge. Most people — outside of prisoners and their families — had no idea it had happened, noted parole activist John Flahive, who was first clued in when he accidentally received a wrong-number call from a prisoner: George Martorano.

The two began chatting on a regular basis, and Flahive began to lobby in Washington to bring back parole.

"As I got more involved, I found out there were thousands like Georgie," Flahive said, noting that about 60 percent of federal inmates are currently incarcerated for nonviolent crimes.

In 2002, the first bill to revive parole, introduced by Rep. Patsy Mink, made its way to the House — and died in committee when Mink died of chicken pox and pneumonia. Since then, Davis has proposed the bill twice. Both times, it died in the Judiciary Committee, then headed by Rep. James Sensenbrenner, who has consistently voted to toughen sentences, maintain the death penalty and reduce opportunities for appeals.

With a Democratic majority now in Congress, parole advocates hope for a victory sometime soon. However, a restoration of parole in the near future would be surprising, according to Mark Bransky of the Federal Parole Board, which remains in operation for prisoners sentenced prior to 1987, some of whom are still eligible for parole.

"Things tend to go in cycles, so I'm not sure," Bransky said. "But for now, there doesn't seem to be much unhappiness in Congress with the new system."

Jeralyn Merritt, a Denver criminal defense attorney and drug law analyst, concurred, adding that lobbying for an increase in "good time" might be the only route for earlier release.

"Federal parole won't be instated as long

as we have these guidelines," Merritt said. "They're not looking at changing these guidelines."

However, unlike in the Reagan era, the parole ban is not riding on the wave of "tough on crime" fever. Public sentiment has softened to a certain extent, and, according to Callahan, most of the liberal advocates of parole abolition have long since changed their stance.

In a 2003 Dan Jones survey in Utah, widely held to be the most conservative state in the nation, almost two-thirds of respondents favored the return of parole — once they were informed it had been banned.

"It's something a lot of people don't think about until it personally touches them," Davis said.

Parole may not be a highly contentious issue; it's just an invisible one.

No More Carrots

Despite lawmakers' original rationale of the parole ban as a "tough on crime" measure, it has hit the lives of nonviolent offenders much harder than it has hit crime, according to Callahan. Although prisoners now do more time, she said, without a tangible motivation to "do good," they may actually be less likely to change their ways.

"In 1987, all the incentives for corrections to work in a rehabilitative way were taken away," Callahan said. "This affects violent crime, because so many people are getting out with nothing but bitterness."

According to FBI statistics, violent crime increased steadily in the five years after the parole ban was established.

Callahan also links prisoners' decreased motivation to rehabilitate to recidivism.

One element of the logic behind the parole ban was "many prisoners released on parole were committing new crimes," Bransky said.

Yet ex-prisoners were significantly more likely to be rearrested in 1994 than in 1983, according to the Federal Bureau of Justice Statistics.

Since 1987, the atmosphere within prison walls has changed, too, according to Martorano, who has witnessed life in multiple federal prisons firsthand since the parole ban kicked in.

"The institutions were much less violent

[before 1987], because there was a light," he said. "If you've got ten life sentences, with no chance of parole, there's no carrot."

Lack of parole also makes life tougher for prison guards, according to Alan J. Williams, a former prisoner who is now chair of the Delaware branch of the advocacy organization, Citizens United for Rehabilitation of Errants, Federal Prison Chapter (FedCURE). Without the incentive of getting out on good behavior, there's no substantive reason to treat guards well. Additionally, no chance of early release breeds anger toward the prison system, which often takes the form of violence, according to Williams.

Williams also pointed to the frustration-provoking divide between prisoners sentenced prior to 1987, many of whom still eligible for parole, and prisoners sentenced after the ban kicked in — a rift that triggers fights among inmates.

"We've been going about this the wrong way, emphasizing incarceration rather than rehabilitation," Davis said. "We're not reducing crime or recidivism. Since that's not the case, why do we continue to follow a flawed policy?"

Parole and Electoral Reality

Although some '80s-style tough-on-crime Congress members remain, the persistence of the parole ban may have less to do with hard-line philosophy and more to do with political priorities, according to Callahan. Between federal prisoners, ex-federal prisoners and their families and friends, millions of Americans are seriously impacted by federal prison policy. However, those millions are, by in large, not policymakers.

"The 'war on crime' is just as insidious as the war in Iraq," Callahan said. "But a war like this is different from an Iraq War. The middle class doesn't see this war."

Not many prisoner advocates were surprised the last two bills to revive federal parole never made it out of committee. Sensenbrenner chaired the Judiciary Committee, which was also stocked with such stalwarts as Randy Forbes, who led the

successful movement to abolish parole in his home state of Virginia in the 1990s. Both still hold places on the committee, with Forbes as its ranking member.

When a Democratic majority won Congress last year, the shift did not prompt a face-off with tough-on-crime Republicans.

The issue doesn't always break down in line with the party divide, according to policy analyst Ryan King of the Sentencing Project. Just as the original *Sentencing Reform Act* was a

"THE PRISONERS GETTING THE LONGEST SENTENCES WERE NOT NECESSARILY THE ONES WHO HAD COMMITTED THE MOST EGREGIOUS CRIMES. THEY WERE OFTEN THE ONES WHO DIDN'T KNOW MUCH ABOUT THE JUDICIAL SYSTEM, SINCE THEY HAD LESS MONEY, LESS EDUCATION AND LESS ACCESS TO LEGAL AID."

In Memoriam

Virginia Resner

Drug Policy, Human Rights, and Medical Marijuana Activist

By MIKKI NORRIS, HUMAN RIGHTS & THE DRUG WAR



Virginia Resner, a treasured activist who worked tirelessly to put a human face on the injustice of the Drug War, succumbed to a five-and-a-half year battle with breast cancer at age 60 on July 18, 2007.

Virginia first began working for drug policy reform in 1991. Without her knowledge, companion Steven Faulkner had agreed on a plan to sell drugs. Her wake-up call? Coming home to find federal agents in her San Francisco residence on a warrantless search for evidence to use against him. Through Faulkner's arrest, prosecution, and 5-year mandatory minimum sentence as a first-time,

non-violent drug offender, she quickly learned about the excesses of the Drug War.

Virginia discovered Families Against Mandatory Minimums (FAMM) and volunteered as the nonprofit's California representative from 1992 to 2002.

She initiated a Women's Project that collected stories and photos of women serving long sentences for low-level, non-violent drug offenses and conspiracy charges, to bring attention to the growing number of women in prison. She was instrumental in the successful effort to attain an Executive Clemency from President Bill Clinton in 2000 for Amy Pofahl, who had already served nine years of a 24-year drug conspiracy sentence.

In 1995, Virginia joined with Mikki Norris and Chris Conrad of the Family Council on Drug Awareness to co-create HR95, now the Human Rights and the Drug War Photo Exhibit project. This compelling photo exhibit shows the faces and tells stories of non-violent drug offenders and their families.

The trio co-authored the acclaimed books, *Shattered Lives: Portraits from America's Drug War* and *Human Rights and the US Drug War*. These publications have moved and inspired activists everywhere to take action and get involved with the drug policy reform movement. It provides images and text picked up frequently by the local and national press, political ads, and documentaries.

Virginia was proud to be part of our trio's efforts when we received a Robert C. Randall Award for Achievement in the Field of Citizen Action from the Lindesmith Center/Drug Policy Foundation in 2001.

Virginia's commitment, courage, inner-strength, warm and generous spirit — as well as her dignity in her losing battle with cancer — have been an inspiration to many who had the fortune to know her.

Web sites for groups mentioned: www.HR95.org, www.famm.org, www.green-aid.com.

Dr. John Beresford

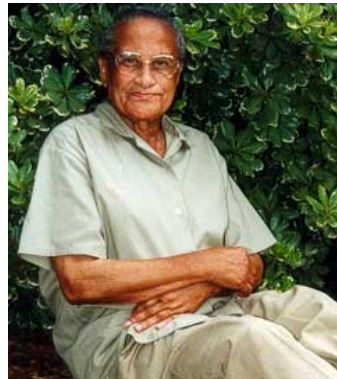
Dr. Beresford died on September 2, 2007 in a hospital in Canada. British-born John Beresford began his psychedelic research interests in 1961.

He spent the next several decades working in psychiatry until 1991, when he resigned and founded the Committee on Unjust Sentencing, a group focused on the cause of people imprisoned on drug related charges. Beresford testified in front of the US Sentencing Commission and spoke out on his passion in many forums. — Source: *Drug War Chronicle*



Alva Mae Groves

Prisoner of the War on Drugs



Ms. Groves, featured in our last *Razor Wire* in an article on compassionate release, passed away in August of 2007, still in federal prison. She was 86 years old.

Alva Mae was sentenced to 24 years in prison at age 74 for a crack conspiracy that was largely her son's endeavor, according to her family. Half her family was sentenced under the same conspiracy.

"My real crime ... was refusing to testify against my sons, children of my womb, according to her family. Half her family was sentenced under the same conspiracy."

"My real crime ... was refusing to testify against my sons, children of my womb, according to her family. Half her family was sentenced under the same conspiracy."

that were conceived, birthed and raised with love," Groves wrote in a 2001 letter to November Coalition. Prison life took a toll on Groves. She despised the food, a poor substitute for the butter beans and peas she grew at her North Carolina home, and she quickly "... shrank down to a bag of bones" in prison, her daughter, Louise Smith, told the Raleigh, NC *News and Observer*.

"I realize everyone has a day to die; death is a fate that will not be cheated. But I don't want to die in prison. I want to die at home surrounded by the love of what's left of my family." Ms. Groves wrote the Coalition.

Alva Mae was denied even that final dignity. After repeated attempts by her family and supporters to win her clemency, on July 19, as her children leaned over her prison hospital bed and tried to remind her who they were, a prison official handed them the letter denying Alva Mae's release. Prison officials advised her in the letter that "... her crime was too grave to allow her to be turned loose."

The November Coalition extends heartfelt condolences to her family.



Featured on our cover: Nora Callahan and the members of World League Records (standing, left to right): Travis, Smoke, R.E.S., Javi, (sitting) Goso, Nora, (front) Tra-Z, Dean — Kansas City, MO, July 29, 2007

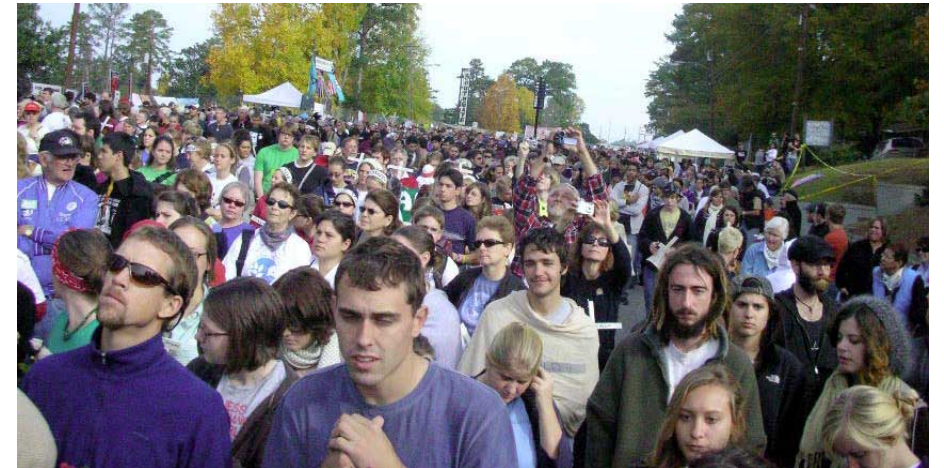
SOA ... CONTINUED FROM PAGE 18

videotape, as did other folks, including a news photographer.

Overall, we felt it was a rich weekend of reinforcing First Amendment rights, and we got our message out to many new people. We collected three pages of e-mail addresses of those interested in receiving information, and many, many more said they would visit November Coalition's website.

The SOA Watch website estimated the crowd at around 25,000, and each one of them had to pass our table at least twice. We hit the road about 1:00 p.m. on Sunday for the 12-hour drive home, tired from the weekend, yet deeply energized to carry on the cause to victory.

For additional online info about *School of Americas Watch*: www.soaw.org



Swords into Plowshares

The 2007 Jesus Radicals Conference

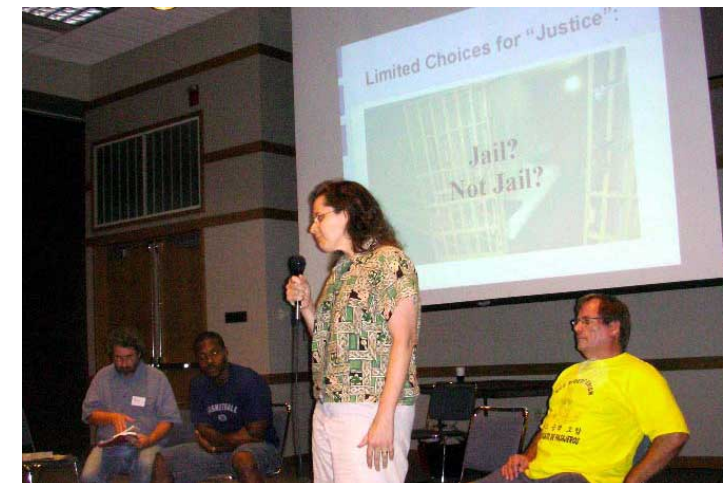
By FR. TOM HEREFORD, NOVEMBER COALITION

The *Problem with Prisons* was the title of the Closing Plenary at the Jesus Radicals annual conference named: *Swords into Plowshares: Anarchism, Christianity and Principles of Peace*.

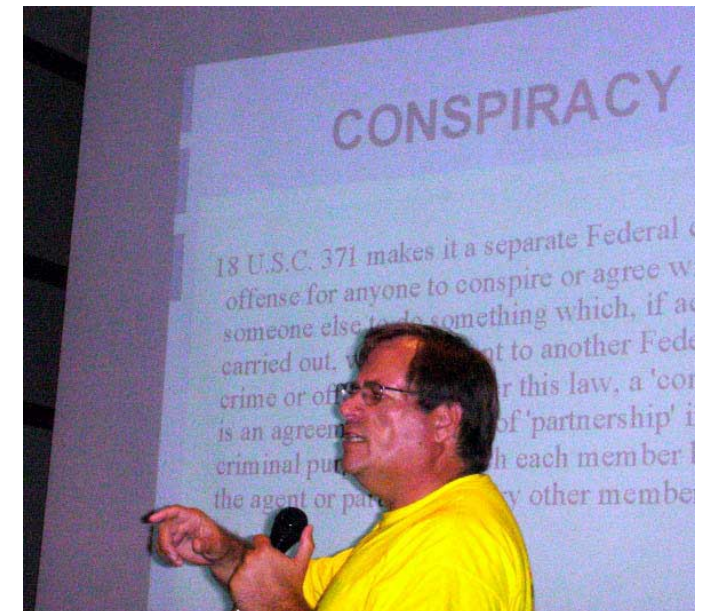
"Jesus Radicals aspires to be a resource for those who believe that the Christian Gospel is primarily a message of love and peace, and that militarism, capitalism and the state are idols that stand in stark contrast to the rejection of power by Jesus in favor of a personalist way."

The 135 conference attendees from various faith traditions were hosted by New Hope Farm & Hope House Catholic Worker Community in Dubuque, Iowa on August 10 - 11, 2007. Christian Peacemaking was discussed from many viewpoints throughout the conference, including peace with creation, our neighbors, and our enemies.

On Saturday Evening, "The Problem with Prisons" Plenary Panel was facilitated by Nekeisha Alexis-Baker (one of the conference coordinators). Panelists included Brian Terrell (30-year Catholic Worker and Peace Activist), Jessica Hoskins (defense attorney and former Public Defender), Orson Davis (former inmate who served 15+ years), and Fr. Tom Hereford (Peace and Justice Activist and former Federal Prison Chaplain). Panelists wove their stories together into a unified call for growth in prison reform activities.



Defense attorney and former Public Defender Jessica Hoskins illustrates the limited options available under present policies.



Fr. Tom Hereford explains the meaning of criminal conspiracy laws.

One almost immediate outcome of the conference was Hope House Catholic Worker Community's decision to make prison reform and prisoner support part of its mission. Members have already begun collecting books for prisoners, writing to prisoners, volunteering with the *Alternatives to Violence Project* and hosting prison reform round table discussions.

The plenary session and conference ended in prayer lead by Orson Davis where we joined hands in solidarity with one another and with all brothers and sisters in prisons around the world. As we prayed, we felt held in the Heart of God, at one with those in prison also held in the Heart of God.

For more information online, visit www.jesusradicals.com and www.avpusa.org

Close the School of the Americas

By JESSICA HOSKINS, DEFENSE ATTORNEY AND FORMER PUBLIC DEFENDER

The November Coalition was again present at the annual vigil demanding closure of the Western Hemisphere Institute for Security Cooperation (formerly the School of the Americas or SOA). The yearly demonstration seeks to shut down this military training school that teaches torture as part of counterinsurgency training.

There are hundreds of documented cases of atrocities committed in Latin America by graduates of the SOA, including not only the murder of the well-respected Salvadoran Archbishop Oscar Romero, but even more terribly, the massacre of countless, anonymous civilians, including one-month-old children. Over the past 18 years, the demonstration has grown into a meeting place for people dedicated to justice, a place for oppressed people ruled by SOA military men to be heard.

In 2007, Jessica Hoskins, Judy Hereford, and Molly Mebruer represented the November Coalition. Jessica gave a presentation on Friday evening, November 16th, entitled *Race, Class, and Criminal Justice*, attended by an estimated 100 people. About a dozen other presentations were happening at the same time elsewhere, both thrilling and confidence building at once.

The presentation included ideas for practical actions that people could take to help end the unjust “war on drugs,” and there were many questions about how best to get involved. There was particular interest in learning how to visit or write those in prison, and we explained how to contact possible allies in your area.

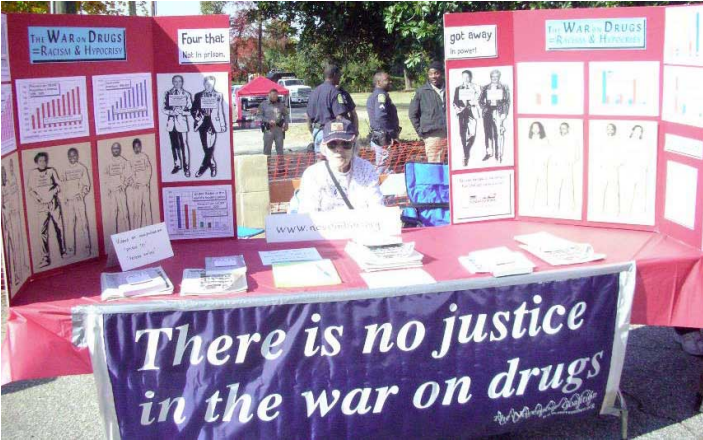
On Saturday and Sunday, we set up a special display, called *Prisons, Poisons and Environmental Racism*, on the street outside

of Fort Benning (GA), site of the protest. Near the entrance, ours became one of the first tables people approached, becoming a steady stream of folks stopping to study the colorful foldout display, take information, and ask questions.

I overheard comments about knowing the information generally, then quickly followed by how it was still eye opening to see the black/white numbers on the graphs. A few individuals wanted copies of the graphs, and were told of their availability on the website.

We got very excited when two schoolteachers asked about presenting this information to students. We directed them to www.november.org, adding they could ask for bulk-orders of printed materials or possibly a guest speaker for their classes by calling the Colville home office.

During the weekend, we also reviewed the displays of many other organizations, especially those groups active in Latin America. We talked about how the domestic “war on drugs” is intimately connected with atrocities committed in Colombia and other “source” countries in the name of stopping the import of drugs.



Judy Hereford represents November Coalition near the gates of Ft. Benning, GA

It's overwhelming to know details of how people in so many different places suffer at the hands of powerful political, economic and military forces. Yet, it was likewise encouraging to experience large numbers of people dedicated to making a change for a brighter future. It was especially uplifting to see thousands of youth willing to put energy into making a positive change in the world.

Our information table got media attention as well. A *National Catholic Reporter* interviewed Jess, and a local radio station interviewed Judy.

The biggest flurry of excitement arose when a man was arrested behind our table! Located directly in front of the police staging area, we had lots of uniformed company the whole weekend. Some fine ‘company’ they were, though, as most officers refused to speak with vigilers, even to say “good morning.”

A police or military helicopter making frequent low passes over the crowd also attended us. On Saturday, they flew over about every 30 minutes. On Sunday, it was more like 15 minutes or less, but then the chopper would hover over the crowd, drowning out the speeches.

On Sunday around noon, a man crossed behind a yellow “Police Line” tape. He was still on “our” side of the temporary barrier (a plastic fence), sandwiched between the barrier and the yellow tape. The police told him to move back behind the police tape, but the man refused, stating this was a public street and he had a right to be on it.

This exchange went on for a few minutes in a very calm manner, with the police telling him to move, and the man refusing to move. Finally the police told the man he was under arrest, and they handcuffed him and escorted him away. Molly captured the whole encounter on

CONTINUED ON NEXT PAGE



Marchers carry coffins representing the many innocent victims of graduates of the School of the Americas

LOCAL SCENES

November Coalition's 2007 Autumn Benefit

November Coalition held our Autumn Benefit and Costume Party on October 27. The event began with an anti-war march down Main Street, in solidarity with the Colville Chapter of Veterans for Peace.



“Out of war, and into our communities!”

About 100 local supporters showed up to participate in the auction, and enjoy good food, kid-friendly games and dancing. Music was once again provided by Colville's own Planetary Refugees.

Also in attendance was November Coalition's Board of Directors. Thanks to all who donated auction items to our benefit: Maggie deLaunay, Peter & Laurie Quinn, Ursula Atkinson, Steady's Coffee, Constructive Fun of Colville, Sonia & Silas Christen, Steve Schott, The Jahsonites, Indigo Sutra, Shoshana's Pottery, Kathy Corbelli, Feather, Rainbow Honey, Mellow Rose, Terry Raymond, Renie & Carsty Steineger, Jennifer Green, China Bend Winery, Sherry Bloxam, Nanny's Naturals, and Northern Ales.

A special “Thanks” to our core volunteers, without whom this event would not have been possible: Ursula Atkinson, Maggie deLaunay, Sonia Christen and Mellow Rose.



Happy New Year from November Coalition! (left to right): Aaron Dixon, Seattle, WA; Teresa Aviles, Bronx, NY; Tom Murlowski, Nora Callahan, & Chuck Armsbury, Colville, WA; John Chase, St. Petersburg, FL; Rachel Morton, Laguna Beach, CA and Doug Hockin, Spokane, WA.



Kitchen volunteers prepare dinner (left to right: Ben Livingston, Amber and Mellow Rose)

Get Ready for Earth Day!



Earth Day is April 22, 2008. Demonstrate your commitment to social and environmental justice with *The Drug War - It's Prisons, Poisons and Environmental Racism*, a colorful display available from November Coalition. Visit www.november.org/projects for details.



The November Coalition Jail Booth at the Tonasket Barter Faire in the Okanogan Highlands, WA State, October 19 - 21, 2007

bipartisan venture, the maintenance of the sentencing status quo requires the consent — at least implicitly — of members of both parties.

Lawmakers have to pick their battles, and picking parole is not a politically savvy move.

“I’ve never seen anyone lose an election for being tough on crime,” King said. “You might see a candidate say they would overturn every parole board decision in the state. But I doubt a candidate would set sentencing reform as the centerpiece of a campaign. No candidate wants the public to think they would let individuals off easy.”

Shying away from sentencing and parole reform basically boils down to fear, on the part of both the public and politicians, according to King. People are afraid of early-released prisoners wreaking havoc on their communities. Lawmakers are afraid that, should they push for reform, a high-profile case of a parolee committing a crime could sabotage their campaigns.

The fear is grounded in precedent: 1998 Democratic presidential candidate and Massachusetts Governor Michael Dukakis supported his state’s “furlough” program, which allowed inmates temporary leaves of absence from prison as part of a rehabilitation plan. When Massachusetts prisoner Willie Horton committed armed robbery and rape while on furlough, the incident became a major issue in the 1988 election and a basis for attack ads against Dukakis.

In Connecticut last July, two parolees committed a triple murder and arson. In September, Connecticut’s attorney general ruled that parole-ineligible sentences could not be commuted to parole-eligible, and a Quinnipiac University poll in early November showed 72 percent of Connecticut voters thought the parole system let prisoners out too soon.

“It’s a cost-benefit analysis,” King said. “There’s not a lot of benefit for those politicians to step out and support parole, but the costs could be enormous.”

As with many prison issues, convincing lawmakers to take a stand on parole is an especially tough sell because many of the people to whom parole is most important — prisoners and felons — can’t vote.

Money Motives

Many Americans who can vote benefit from prisoners staying behind bars with no chance of early release, noted both Martorano and Metz.

Though keeping millions of people in prison is a drain on taxpayer dollars, inmates bolster the economy by working for less than \$1 an hour for companies like Microsoft and AT&T. (“Most of the time when people call directory assistance, they don’t realize they’re speaking with an inmate,” Metz said.)

Noah Robinson, the half-brother of

Congressman Jesse Jackson Jr. and a federal prisoner serving a life sentence in Terre Haute, Indiana, points out as private prisons expand, a growing sector of the small-town vote will have the preservation of the parole ban at heart. The local economies of “prison towns” benefit from the lack of parole, since a guaranteed (and increasing) number of prisoners means a constant source of jobs for guards, administrators, food service workers, cleaning people and suppliers of everything from toilet paper to office supplies.

“With prisoners confined forever (i.e. no parole), job security [is] totally unaffected by inflation and recession; contracts for local businesses are ongoing,” Robinson wrote to me.

Even more directly, some of the lawmakers who could most influence the prospect of the parole bill — Judiciary Committee members — take campaign money from corporations that build and maintain private prisons.

The two largest private prison companies, Corrections Corporation of America (CCA) and Wackenhut Corporation (now the GEO Group), entered the business in the mid-80s, when, due to tougher drug laws and the loss of parole, government-run prisons were bursting at the seams. The corporations’ expansion paralleled the continued Congressional reinforcement of hard-line prison policies.

According to the Center for Responsive Politics, in the 2006 election cycle, the CCA contributed thousands of dollars to the campaigns of six House Judiciary Committee members, including Sensenbrenner, who kept the parole bill off the floor every time it was proposed. He now sits on the Homeland Security subcommittee, which deals most closely with sentencing and parole.

Sensenbrenner’s office did not return repeated calls for comment.

The CCA also funded the campaign of ranking member Lamar Smith, who, in this Congress alone, has introduced two bills which would increase prison terms.

In the Senate, the CCA financed the campaigns of four out of the nine Republicans on the Judiciary Committee.

Wackenhut, on the other hand, developed a reputation for giving to both the Democratic National Committee and the Republican National Committee. Its new incarnation, the GEO Group, also contributes to both parties. In fact, for the 2008 election, GEO has so far contributed more to the campaigns of

Democratic legislators than to Republicans, and has donated to the campaigns of both Hillary Clinton and Bill Richardson.

Even Democratic Congressman Bill Nelson of Florida, to whom both John Flahive and David Correa’s mother have appealed for help in reviving parole, took \$10,000 from GEO in 2006, according to data from Capitol Advantage.

“Financial drive is such a huge factor for both sides of political aisle,” said King, who noted economic pressure from prison employees’ unions plays a large role in pulling Democrats away from parole and sentencing reform.

The American Federation of Government Employees, to which federal prison workers belong, gives almost exclusively to Democratic candidates.

Nevertheless, according to King, prisons are at a breaking point. Contractors and government funding aren’t keeping up with the demand for new prison facilities, and overcrowding is rampant. For policymakers, King said, dwindling resources and their effect on profit — not a realization of the system’s injustices and ineffectiveness — will likely be the turning point for parole and sentencing reform.

Though King does not foresee a vote to reinstate parole right away, he argues measures like Davis’s parole bill are still necessary to put the idea “on the radar screen,” triggering momentum toward sentencing policy change. As resources become scarcer, he reasons, more lawmakers may get behind such legislation.

As for Davis, he has been cooperating with FedCURE and other organizations on a new bill to revive parole. He hasn’t yet introduced it, he said, because he did not want people to confuse it with his less controversial *Second Chance Act*, a bipartisan-supported bill that just passed the House, which provides resources for prisoners reentering society.

The passage of the *Second Chance Act* may begin to pave the slow road to a criminal justice system that emphasizes rehabilitation over punishment, according to Davis. He hopes someday parole will follow.

Until then, for prisoners like Metz, it’s becoming increasingly difficult to fight off despair.

“My kids grew up while I was in prison, but I’ve been stuck in time,” Metz said. “If they don’t bring back parole, I’ll be stuck until I die.”

Maya Schenwar is a reporter for Truthout.



Danielle Metz with her children, Carl and Glennisha

including murder, manslaughter, forcible rape, robbery and aggravated assault. The number of total drug arrests was greater than that for any other offense. — *Source: Drug War Chronicle*

One of Every 31 Americans in Criminal Justice System

The U.S. adult correctional population — incarcerated or in the community — reached 7.2 million men and women in 2006, an increase of 159,500 during the year, according to two reports released in December by the Justice Department’s Bureau of Justice Statistics (BJS). About 3.2 percent of the U.S. adult population, or 1 in every 31 adults, was in the nation’s prisons or jails or on probation or parole at the end of 2006.

The number of men and women who were being supervised in the United States at year-end 2006 reached 5 million for the first time, an increase of 87,852 (or 1.8 percent) during the year. A separate study found that on December 31, 2006, there were 1,570,861 inmates under state and federal jurisdiction, an increase of 42,932 (or 2.8 percent) in 2006.

Of those parolees still under supervision at year end 2006, nearly 2 in 5 had been convicted of a drug offense, while about 1 in 4 had been convicted of a violent or property offense.

Download the full reports, *Prisoners In 2006* and *Probation and Parole in the United States, 2006*, at www.ojp.usdoj.gov/bjs

97 Percent of Counties Exhibit Racism in Drug Imprisonment

A new report released in December by the Justice Policy Institute (JPI) finds that 97 percent of the nation’s large-population counties imprisoned African Americans at a higher rate than whites.

The Vortex: The Concentrated Racial Impact of Drug Imprisonment and the Characteristics of Punitive Counties, found that counties with higher poverty rates, larger African-American populations and larger police or judicial budgets imprison people for drug offenses at higher rates than counties without these characteristics.

These relationships were found to be independent of whether the county actually had a higher rate of crime.

While African Americans and whites use and sell drugs at similar rates, African Americans are ten times more likely than whites to be imprisoned for drug offenses. Of the 175,000 admitted to prison nationwide in 2002, over half were African American, despite the fact that African Americans make up less than 13 percent of the U.S. population.

The full report is available at www.justicepolicy.org.

I Got Published!

August 11, 2007, The Spokesman-Review (WA)

Sheriff Should Handle Own Trash

Taking advantage of jail overcrowding, Kootenai County (ID) Commissioners boast they’ll put prisoners to work sorting recyclable materials from collected garbage (S-R, 8/09/07, B3). Sheriff Rocky Watson wants a new jail constructed next to the about-to-be-built garbage transfer station.

Unexpected population growth, a nearly full landfill and voters’ reluctance to support more jail construction paid for by sales or property tax increases are challenges Watson and Commissioners hope to meet by freely exploiting the slave labor of incarcerated people.

Instead of fretting over full landfills, however, Idaho leaders would earn long-lasting public respect by drafting source-reduction laws and policies that discourage manufacture and distribution of useless packaging and products overwhelming landfills.

Similarly, overcrowding of jails and prisons is deliberate policy. Governments at any time can increase or decrease the rate of arrest and prosecutions. Overcrowding is an excuse to justify greater appropriations, increased taxes and unnecessary new lockups.

Criminal justice careerists pitch overcrowding’s evils because they ordinarily sell easily to unwary voters. Kootenai County residents haven’t been buying fear mongering and likely won’t the next time they’re asked to underwrite multimillion-dollar contracts for building another monument to failure.

Visit www.nonewprisons.org to learn why Sheriff Watson should clean up his own garbage. *Chuck Armsbury, Colville, WA*

December 14, 2007 - Florida Times-Union (FL)

Illegal Drugs: Treat the Addicted

This is in response to Tonyaa Weathersbee’s Dec. 10 column.

It is easy for us to hate Henry Manns, the dealer of drugs, just as we hated Ted Bundy, Florida’s murderer of young women.

The system could deal with Bundy, but it can’t deal with Manns.

The difference between Manns and Bundy is that Manns’ customers are willing buyers; Bundy’s “customers” were not asking to be murdered.

It is the fatal flaw of drug war logic. Even executing Mann would not reduce drug use, because there are other dealers waiting impatiently to take his place.

The drug war has been building for almost 100 years. It escalated sharply after 1930 with Harry Anslinger’s zeal to stamp out certain drugs by punishing anyone who used or sold them.

When it didn’t work as advertised, Nelson Rockefeller, then Richard Nixon and then Ronald Reagan stepped up the war.

Academics predicted failure at each step, but they were ignored.

If Americans continue to wage the drug war against dealers and casual users, rather than treating those who are truly addicted, Abraham Lincoln will have been proved wrong: It really is possible to fool all the people all the time.

John Chase, Palm Harbor, FL

Prisoners: Get The Facts!

Send us a copy of your published editorial or letter — you’ll receive a free copy of the 5th Edition of *Drug War Facts!* (Published by Common Sense for Drug Policy, and continuously updated at: www.drugwarfacts.org)





UN Condemns Taser Use as Torture

The United Nations Committee Against Torture, the agency charged with overseeing the application of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, concluded on November 23 that the use of the electric pulse Taser gun constitutes a “form of torture” and “can even provoke death.”

Developed in Arizona in 1994, the weapon is used today by over 11,000 police forces worldwide. According to Amnesty International, Tasers have been responsible for over 280 deaths in the United States alone. — *Source: Le Monde (France)*

Psychiatrists Approve Medical Marijuana

In a unanimous vote, the Assembly of the American Psychiatric Association approved a strongly worded statement supporting legal protection for patients using medical marijuana with their doctor’s recommendation.

The APA action paper, released November 2007, notes that 12 states now have medical marijuana laws, and states, “The threat of arrest by federal agents, however, still exists. Seriously ill patients living in these states with medical marijuana recommendations from their doctors should not be subjected to the threat of punitive federal prosecution for merely attempting to alleviate the chronic pain, side effects, or symptoms associated with their conditions or resulting from their overall treatment regimens. ... [We] support protection for patients and physicians participating in state approved medical marijuana programs.”

With 40,000 members and 16 allied organizations, the APA is the main professional organization for psychiatrists in the United States. — *Source: Marijuana Policy Project*

Florida Governor Eager to Execute Drug Dealers

Gov. Charlie Crist, who once sponsored a law allowing the death penalty for major drug kingpins, said in early December the state might want to make it easier to execute traffickers. His response came after an hour-long briefing with top state and federal law-enforcement officials, lamenting Florida’s “major problems” with indoor marijuana cultivation and abuse of legal prescriptions. Highlands County Sheriff Susan Benton claimed her county is “drowning” in pot, citing 58 grow houses busted in 2007.

The meeting was convened by long-time

drug war hawk and current FL Attorney General Bill McCollum. After being told no one had actually been executed under his death to drug dealers legislation, Gov. Crist said, “Then the state ought to consider lowering the threshold” for execution. — *Source: Tallahassee Democrat (FL)*

Jail Estimate Surprises County

Spokane County, WA commissioners learned in September that preliminary planning for a new jail will cost more than twice as much as expected — at least \$736,690 and as much as \$1.2 million. “Isn’t that a lot more?” Commissioner Bonnie Mager asked rhetorically.

Commissioner Mark Richard said he thought all the commissioners shared Mager’s concern. He noted that commissioners weren’t told how much other architectural firms under consideration might have charged.

Sheriff’s Lt. Mike Sparber, the project manager, predicted the cost would be \$250,000 to \$300,000 in August when commissioners adopted a Sheriff’s Office recommendation to negotiate a contract with Spokane-based Integrus Architecture. The contract calls for identifying a site and other preliminary work but wouldn’t cover the actual designing and building of the new jail. Commissioners took the proposal under advisement. — *Source: Spokesman-Review (WA)*

Mentally Ill Crowd Colorado Prisons

Like many states, Colorado has turned from state hospitals to prisons to provide care for the mentally ill. Since the mid-1970s, Colorado’s mental hospitals have shriveled from 6,000 to 600 beds. Spending dropped from 3.9 percent of the state budget in 1970 to 1.6 percent in 2005.

The Colorado Department of Corrections (CDOC) has taken up the slack. In 1991, the CDOC housed 239 seriously mentally ill prisoners. By 2003, that population mushroomed to 3,802, over 20 percent of the prison population. Mentally ill prisoners are far more expensive to house than other prisoners. The daily cost for the average prisoner was \$75.58 in fiscal year 2006. At the San Carlos Correctional Facility, the CDOC’s 255-bed facility for the severely mentally ill, costs an average of \$171.25 per prisoner per day.

There are several paths to prison for the mentally ill. Some do not take their medications because of the side effects. Others self-medicate with drugs and alcohol. Many cannot maintain employment and end up homeless. If their behavior leads to contact with police, the police have few options other than jail.

Once jailed, a cycle of incarceration and release often results. While incarcerated, the mentally ill are often isolated, which may

exacerbate their illness. They may be abused in the general population, also worsening their condition. While they may be medicated during incarceration, the CDOC releases prisoners with only a 30-day supply of meds. When the meds run out, they have nowhere to turn.

Source: Inside Justice, written by G. A. Bowers, Prisoner # 54374, Colorado Territorial Correctional Facility, PO Box 1010, Canon City, Colorado 81215-1010.

California: 3000 Prisoners Fought Wildfires

About 3000 California prisoners worked side-by-side with 6000 professional firefighters (1 in 3) to battle the multiple wildfires that raged in the southern part of the state this past autumn. Almost 4 out of every 10 prisoners involved (about 37%) were nonviolent drug offenders. Breck Wright, a non-incarcerated firefighter who has worked side by side with these men on numerous occasions, told the *Associated Press*, “I think it would be very hard without them. It would really impact us. They are very effective, hardworking and are well-trained. They know what they are doing.”

For their effort, the prisoners receive \$1 per hour and two days off their sentences for every day spent on the fire lines. An added benefit, of course, is the chance to break the monotony of prison life.

If this group of people is worthy to send to risk their lives to save our lives, homes and businesses, aren’t they worthy of freedom too? At a minimum they deserve better than the paltry amount of time off and scant number of dollars that they’re getting. Let’s get serious — how about pardons? — *Source: Drug War Chronicle Blog.*

Drug Arrests Hit All-Time High — Again

Overall, some 1,889,810 people were arrested on drug charges last year — an all-time high. More than eight out of ten of all drug arrests were for possession alone.

The number of people arrested for marijuana offenses in the US in 2006 was a record 829,625, according to the FBI’s annual *Uniform Crime Report*. The figure marks the fourth consecutive year and 11th time in the last 15 years that marijuana arrests hit an all-time high. More than five million people have been arrested for marijuana since 2000 alone.

The continuing increases in drug arrests came as violent crime increased 1.9%, the second straight year of increases after a decade of declining violent crime rates. Property crime declined by 1.9%, mirroring the 10-year declining trend.

The total number of marijuana arrests in the US for 2006 far exceeded the total number of arrests in the US for all violent crimes combined,

CONTINUED ON NEXT PAGE

The Informants Are Watching Us ...But Who’s Watching The Informants?

The ACLU is working with lawyers, elected officials and in the community to promote awareness and ask for accountability measures such as corroboration of information from informants, and reliability hearings to test the credibility of informants.

Check out a few stories that hit the headlines in the month of November, 2007. They’re just snapshots of the injustices that occur every day in America — when known criminals are employed as informants to do the work that police should be doing:

The *Associated Press* reported that while one South Carolina police department was paying an informant to participate in drug deals, another local sheriff’s department was expending resources to bust the same informant for committing the very same drug offenses!

After the informant was caught in the sheriff’s sting, the informant accused several sheriff’s deputies of beating him and breaking his teeth by shoving a shotgun’s barrel in his mouth. Even though a state agency cleared the deputies of the beating, it does not appear that anyone is looking into how to keep law enforcement agencies from working against one another when it comes to informants.

The *San Antonio Express News* reported that Texas’ highest criminal appeals court issued a decision that, in effect, allows police officers to give illegal drugs — even when the drugs are evidence in a case — to informants for their personal use! In this case, a police officer caught the potential informant with drugs, but before booking the evidence in her case he gave some of the drugs back to her so she could get high. The officer’s defense to the tampering-with-evidence charge? “I was trying to create a snitch.”

The *Asbury Park Press* reported that a New Jersey police officer was accused of regularly having sex with a married informant, and at least once brutally raping her, which resulted in her bearing his child. The informant has accused the police department of permitting and encouraging police officers to sexually harass and have sex with female informants and other women they encounter while on duty.

The Mayor proclaimed “no wrongdoing,” and the police officer who fathered the informant’s child is back on patrol — apparently with a free pass to “work with” informants.

The *Daily Southtown News* in Illinois reported that an informant was sent to prison for fraud, impersonating an FBI agent and lying to federal authorities. The informant fraudulently schemed to extort money from several individuals, and when one of his victims refused to give him money, he reported him to the FBI

WHETHER EACH OF THESE CASES IS THE POLICE OFFICER’S FAULT OR THE INFORMANT’S FAULT — OR BOTH — ONE THING IS CLEAR: OUR NATION’S INFORMANT SYSTEM IS BROKEN.

and claimed that he was a terrorist!

Unfortunately, the Illinois State Police, the FBI, and the DEA all used this paid informant for years to convict people and put them in prison. Even though the informant was convicted of falsely accusing people, it does not appear that anyone is looking into whether innocent people are in prison today because of his lies during his years as a supposedly “reliable” informant.

The *Ledger-Enquirer* in Georgia reported that after an informant drew narcotics officers into a deadly shootout where they killed a civilian, the informant’s testimony will determine

whether the police are in fact liable for the killing. Unfortunately, the informant has changed his story too many times to know what actually happened.

First, he denied that he worked as an informant in the past. Then he said he had. He then denied knowing specific things about the drug supplier who was being investigated. He

later said he did. He then said the drug supplier was armed and dangerous. Later he said he was not. How can we make such life-and-death decisions without requiring that information from informants be corroborated?

The way our government uses informants is so ripe for abuse that now law enforcement officers and courts aren’t capable of finding what’s true. Whether each of these cases is the police officer’s fault or the informant’s fault — or both — one thing is clear: our nation’s informant system is broken.

You can help advance the ACLU’s work by reporting any experience you’ve had with the use of informants in your community by filling out the story collection form online at www.aclu.org/unnecessaryevil (see below for more information.) Prisoners can have their family members or a friend submit their story online. — *Source: ACLU Blog, Saturday, November 17, 2007*

To tell your story, or otherwise contact the ACLU Informant Abuse Project by mail, write:

ACLU: Informant Abuse Project
125 Broad Street, 18th Floor
New York, NY 10004

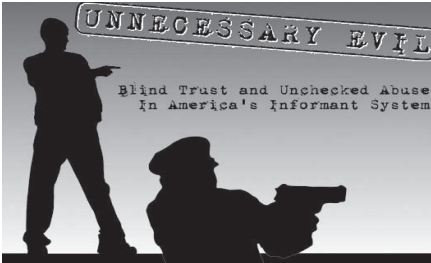
ACLU Launches Informant Abuse Project

Unlike witnesses, informants are motivated by self-advancement. Informants work for the government, often secretly, to gather and provide information or to testify in exchange for cash or leniency in punishment for their own crimes. Preliminary research indicates that up to 80% of all drug cases in America may be based on information provided by informants.

Putting police work in the hands of known criminals and blindly trusting that justice will be done is an unnecessary evil.

Unfortunately, today’s informant system does just that. It lacks the oversight mechanisms and regulations necessary to ensure that informants are telling the truth. Too often, informants are pressured into lying at the expense of innocent people in order to save their own skin. A steady parade of scandals also demonstrates the sad reality that too many times law enforcement has turned a blind eye to the serious, violent crimes being committed by informants while assisting with investigations of less serious crimes, such as non-violent drug offenses. Add to all of this, the vast over-reliance on informants in policing communities of color, and you have a recipe for disaster.

Blind trust in the informant system is dangerous. Our public’s safety and the



integrity of our justice system demand that policymakers put in place strong oversight mechanisms and regulations to ensure informant reliability.

Ensure Reliability: Unreliable informant testimony is one of the largest sources of wrongful convictions in this country.

Require Corroboration: Informants are motivated by self-advancement. We can’t trust them on their word alone.

Collect Data: Today’s informant system operates in the shadows, making basic assessments about the safety and effectiveness of informant use virtually impossible.

Rebuild Trust Between Police & Communities: The over-reliance on informants in policing minority neighborhoods destroys both the fabric of the community and its trust in law enforcement.

Limit Informant Use to Serious Crimes: The risks associated with using informants are not justified for catching non-violent offenders, like people who use drugs.

For More, see: www.aclu.org/unnecessaryevil



Eye on Congress

August 3, 2007 - Drug War Chronicle (US)

Snitching in the Spotlight: House Committee Holds Hearing on Informant Abuses

The House Judiciary Committee heard police and legal experts say there needs to be more oversight and tighter standards on the use of confidential informants in law enforcement at a July 19 hearing. The hearing was called by committee chair Rep. John Conyers (D-MI) to look into ways to avoid abuses such as those that led to the shooting death of 92-year-old Atlanta resident Kathryn Johnston last December.

Johnston was killed after opening fire on undercover Atlanta narcotics officers who were breaking down her door to serve a “no-knock” search warrant for cocaine. Those officers had obtained the warrant from an Atlanta magistrate by falsely telling him that a confidential informant had made drug buys at Johnston’s location. Later that same day, those officers attempted to get that informant to lie and back them up, but the informant instead went to federal authorities. Two officers involved have since pleaded guilty to manslaughter, while a third awaits trial on false imprisonment charges.

While it was the Johnston killing that led directly to last month’s hearing, concern over the widespread use of informants, or snitches, has been mounting for years, especially in regard to drug law enforcement. Hostility toward law enforcement either threatening low-level offenders to intimidate them into informing on others (“Do you want to be gang-raped for 30 years in prison instead?”) or cultivating mercenary informers who infiltrate communities and set up drug deals for monetary gain has been simmering in poor and minority communities for years.

The “Stop Snitching” movement, much maligned by law enforcement officials as undermining the rule of law, is, at least in part, a direct consequence of the drug war’s reliance on confidential informants. Especially in black communities, which have been hard hit the drug war, anger over drug war tactics, including the use of informants, is palpable.

Now, with Democrats once again in control of Congress, Congress is ready to listen — and possibly to act. Rep. Conyers said at the hearing and in meetings with American Civil Liberties Union (ACLU) Drug Law Reform Project and Drug Policy Alliance staffers that is he preparing legislation to attempt to rein in the out of control use of informants. The use of

informants is “totally out of control,” said Conyers. “It’s every law enforcement agency for itself. This is corrupting the entire criminal justice process,” he warned.

“We’ve got a serious problem here that goes beyond coughing up cases where snitches were helpful,” Conyers continued. “The whole criminal justice system is being intimidated by the way this thing is being run and in many cases, especially at the local level, mishandled.

A lot of people have died because of misinformation, starting with Kathryn Johnston in Atlanta. Getting the wrong house, they cost the 92-year old woman her life. But then law enforcement tried to intimidate the confidential informant to clean the mess up. Then you get law enforcement involved in perpetrating the cover up of what is clearly criminal activity. So this is not a small deal that brings us here today and we are going to do something about it.”

There will be more hearings to come, Conyers promised. “This is the first time that we have gotten into this matter in more than a dozen years. But this is only the tip of the iceberg. We’ve got to hold the most thorough hearings in recent American history on the whole question of the criminal justice system, which goes way beyond informants. It’s been picked up and articulated by many of the witnesses, that we are talking about the culture of the law enforcement system and how it’s got to be changed. One hearing starts us off, and I’m very proud of what we have accomplished here today.”

At the hearing, law enforcement personnel and legal scholars alike acknowledged that the informant system is loosely supervised and can lead to corner-cutting and abuses by police. “The government’s use of criminal informants is largely secretive, unregulated and unaccountable,” Alexandra Natapoff, a Loyola Law School professor who studies the issue, told the panel.

The massive reliance on informants makes communities not safer but more dangerous, said Natapoff. “What does this mean for law abiding residents like Mrs. Johnston?” she asked. “It means they must live in close proximity to criminal offenders looking for a way to work off their liability. Indeed, it made Kathryn Johnston’s home a target for a drug dealer. It also means that police in these neighborhoods

tolerate petty drug offenses in exchange for information, and so addicts and low level dealers can often remain on the street. It also makes law enforcement less rigorous: police who rely heavily on informants are more likely to act on an uncorroborated tip from a suspected drug dealer. In other words, a neighborhood with many criminal informants in it is a more dangerous and insecure place to live.”

The massive reliance on informants also corrodes police-community relations, Natapoff said. “This question about the use of confidential informants goes to the heart of the problem of police-community relations,” she told the panel. “It’s an historical problem in this country, it’s not reducible to the problem of informing or snitching or stop snitching, but I would submit that the 20-year policy on the part of state, local and federal government of using confidential informants and sending criminals back into the community with some form of impunity and lenience, and turning a blind eye to their bad behavior, has increased the distrust between police and community.”

The Rev. Markel Hutchins, pastor of the Philadelphia Baptist Church in Atlanta and a spokesman for the Johnston family, also addressed the hearing. “There is a problem with the culture of policing in America,” Hutchins said. “And because of that culture, far too often police officers feel that they can do what they want to under the cover of law. This committee has a unique opportunity to help protect even the officers themselves that engage in this kind of behavior by insulating them from the capacity or the potential they have to engage in this kind of corrupt behavior.”

There must be more accountability in the courts, said Hutchins. “I will submit to this committee that if the fabricated confidential informant that was mentioned and feloniously used in the Kathryn Johnston case had been required to appear before a judge, Ms. Johnston would still be alive today... It was just too easy for these police officers to go in front of a judge and to lie. They’ve engaged in this kind of practice for years and it’s been happening all over the country... If police had done due diligence, they would have known that a 92-year old woman lived there in the home by herself. There was no corroboration. There was not any appropriate investigative work done. But I think that probably the most poignant thing that happened to Ms. Johnston is had she not been 92-years old, and had she been my age, 29-30 year old, and a young black man, we might not be having this hearing right now,” Hutchins said.

Even National Narcotic Officers’ Association Coalition President Ronald Brooks agreed that reforms are necessary. “We need to take an absolute hard line posture when law enforcement breaks the rules, like in any other profession,” he told the committee. “The

CONTINUED ON NEXT PAGE

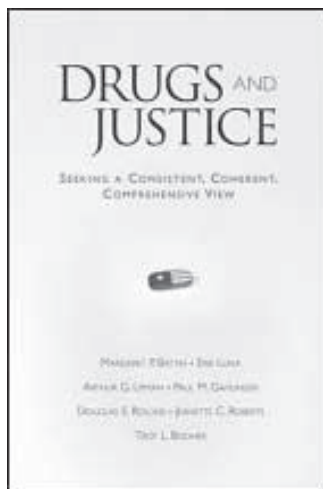


Book Corner

Drugs and Justice

Seeking a Consistent, Coherent, Comprehensive View

BY MARGARET P. BATTIN, ERIK LUNA ARTHUR
G. LIPMAN PAUL M. GAHLINGER DOUGLAS
E. ROLLINS, JEANETTE C. ROBERTS, AND
TROY L. BOOHER



This compact and innovative book tackles one of the central issues in drug policy: the lack of a coherent conceptual structure for thinking about drugs. Drugs generally fall into one of seven categories: prescription, over the counter, alternative medicine, common-use drugs like alcohol, tobacco and caffeine; religious-use, sports enhancement; and of course illegal street drugs like cocaine and marijuana. Our thinking and policies varies wildly from one to the other, with inconsistencies that derive more from cultural and social values than from medical or scientific facts.

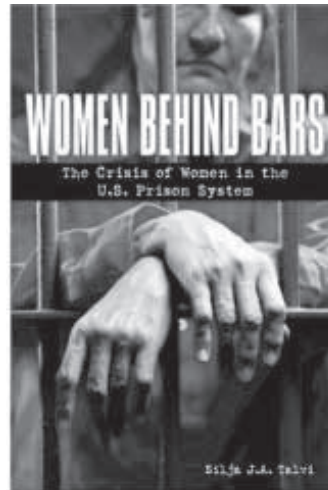
Battin and her contributors lay a foundation for a wiser drug policy by promoting consistency and coherency in the discussion of drug issues and by encouraging a unique dialogue across disciplines. They consider questions like the historical development of current policy and the rationales for it; scientific views on how drugs actually cause harm; how to define the key notions of harm and addiction; and ways in which drug policy can be made more consistent. They conclude with an examination of the implications of a consistent policy for various disciplines and society generally.

Drugs and Justice is available from Oxford University Press at www.oup.com, or wherever books are sold.

Women Behind Bars

The Crisis of Women in the U.S. Prison System

BY SILJA J. A. TALVI



More and more women — mothers, grandmothers, wives, daughters, and sisters — are doing hard prison time all across the United States. Many of them are facing the prospect of years, decades, even lifetimes behind bars. Oddly, there’s been little public discussion about the dramatic increase of women in the prison system. What exactly is happening here, and why?

In *Women Behind Bars*, Journalist Silja J. A. Talvi travels across the country to weave together interviews with inmates, correctional officers, and administrators, providing readers with a glance at the impact incarceration has on our society. With a combination of compassion and critical analysis, Talvi delivers a timely, in-depth analysis of a growing and extremely complicated issue.

Women Behind Bars is available from Seal Press at www.sealpress.com, or wherever books are sold.

Snitch: Informants, Cooperators, and the Corruption of Justice

BY ETHAN BROWN

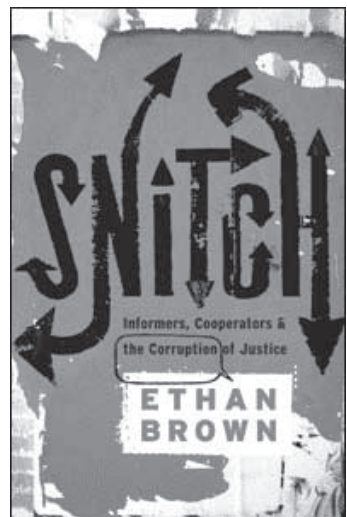
By the author of the hip hop cult classic *Queens Reigns Supreme*: A chilling investigative look behind the scenes at a criminal justice system corrupted by its use of cooperators, and into the complex meaning of the "Stop Snitching" movement.

Our criminal justice system favors defendants who know how to play the “5K game”: criminals who are so savvy about the cooperation process that they repeatedly commit serious crimes knowing they can be sent back to the streets if they simply cooperate with prosecutors. In *Snitch*, investigative reporter Ethan Brown shows through a compelling series of case profiles how the sentencing guidelines for drug-related offenses, along with the 5K1.1 section, have unintentionally created a “cottage industry of cooperators,” and led to fabricated evidence. The result is wrongful convictions and appallingly gruesome crimes, including the grisly murder of the Harvey family in Richmond, Virginia and the well-publicized murder of Imette St. Guillen in New York City.

This cooperator-coddling criminal justice system has ignited the infamous “Stop Snitching” movement in urban neighborhoods, deplored by everyone from the NAACP to the mayor of Boston for encouraging witness intimidation. But as *Snitch* shows, the movement is actually a cry against the harsh sentencing guidelines for drug-related crimes, and a call for hustlers to return to “old school” street values, like: do the crime, do the time.

Combining deep knowledge of the criminal justice system with frontline true crime reporting, *Snitch* is a shocking and brutally troubling report about the state of American justice when it’s no longer clear who are the good guys and who are the bad.

Snitch is available from Public Affairs Books at www.publicaffairsbooks.com, or wherever books are sold.



EDITOR'S NOTES

By Chuck Armsbury

This *Razor Wire* literally wraps itself around the historical challenge to unlock America. The inserted *Unlocking America* document gives you the latest research findings, arguments and recommendations for decarceration.

I hope every Novemberista studies and appreciates the authors' comprehensive work. Pass it on to a preacher or a teacher, or 'be one' with *Unlocking America* as your guide.

The authors of *Unlocking America* envision a future date when we'll have found "a way to re-allocate the money, political power, and jobs that the current system provides" in the years following passage of decarceration laws weaning us from addiction to mass incarceration. Dream on, eh?

But begone with cynicism — what on Earth do we adults want or dream for our children's children? Dreams of a future free of mass incarceration laws? Dreams of former prisons as monuments to ignorance? Dreams of you 'Unlocking America'?

Unlocking America gives few clues about how the public might "pass referenda," or convince lawmakers to "better understand the realities and move on their own to make necessary changes." The authors conclude with brief remarks about stimulating a serious debate on imprisonment and decarceration.

Some persistent realities to understand include how voters can organize effectively to get action from members of Congress. And First Amendment realities: whether prisoners can or should organize for their common rights and interests. Or the everyday reality of thousands of formerly incarcerated people seeking to re-enter safe and nurturing communities of family, friends, and citizens who welcome us back after years inside prison.

Whether it's the Drug War, the War on Iraq or a single-payer health care system for the US, three out of four voters surveyed want these wars to end now and a national healthcare system like Canada's enacted soon. US voters differ radically from our elected officials in other significant ways: November Coalition archives contain almost 130,000 names of people collected across the nation petitioning Congress to enact laws for early

release of drug war and other nonviolent prisoners.

How much longer will we call it a "failed drug war?" Is it nearly time to declare victory? But what happens then? What happens when the Drug War is over? When the billions of profit in illegal drug trade have shrunk to mere millions of dollars? Or hundreds of thousands? Why think about this now, anyway?

Eric Sterling is one drug reform leader who is thinking about what happens when this bogus war is over, when prohibition is ended:

"...We can safely predict that a real consequence of legalization of heroin, cocaine, and marijuana is that many individuals will lose their jobs. And many communities will suffer because the illegal drug industry has been a major economic force in that community — for good and ill — and will be eliminated. Isn't there a responsibility to plan for that event?"

I think that a humane society when it ends prohibition needs to address the recovery of those communities after legalization cuts off the livelihoods of so many," wrote Sterling in recent correspondence.

Sterling offers his own plan for recovery and strengthening a democracy in crisis:

"Well-meaning people that we are, as we build a movement we must continuously look in the mirror and see who is standing by our side. As drug policy reformers we are struggling to create the political power to end prohibition. We must have the humility to understand that we too could wreak unintended havoc, especially if we inflict further economic devastation upon hurting communities when our reforms 'lay off thousands'."

Sterling definitely raises gnarly questions about targeted populations. But answers to



those really tough questions about organizing for the end of drug prohibition in "hurting communities" must come directly from those communities, and why shouldn't they? In the last year I've met some ordinary people with answers about what oppressed communities need. Let's listen for a change.

Commemorator is published six times a year. The dedicated men and women who put together this newsmagazine of community activities and social commentary are continuing the finest traditions in grassroots journalism.

Inspired by the Black Panther Party's 1967 Programs for Community Survival, *Commemorator* is all about, in Sterling's words, "hurting communities," and their well-documented, immediate needs: quality food and water, a clean environment, decent work, affordable housing, a true education, easily available healthcare, and freedom from crime.

Get to know them — to order your subscription and support these hardworking neighborhood activists, write *Commemorator*, 1837 Alcatraz Avenue, Berkeley, CA 94703, or call 510-652-7170.

Here's Eric Sterling's advice to those who would dare to end the War on Drugs:

"It is preposterous for reformers to have forums on legalization without participation of the communities that will be transformed by ending the illegal drug business. For our forums

to be legitimate conversations, we must have the partnership with the communities where drugs are used and sold in the debating and planning of reform."

I second such thoughts and add that the voices of incarcerated people must also be solicited for such educational "forums to be legitimate conversations" in our communities.



Photo taken in the Wallingford neighborhood, Seattle, WA, during Meaningful Movies night, November 9, 2007. (Left to right): Doug Hiatt, Nora Callahan, Chuck Armsbury, Larry Gossett, and Sunil Aggarwal (speaking). The film, American Drug War: The Great White Hope, directed by Kevin Booth and featuring Freeway Ricky Ross, is currently on a national tour. (Photos by Andy Ko, ACLU Drug Project, Seattle, WA)

The Des Moines Register

Another Congress Forgets Prisoners, Reform

By FRAN KOONTZ AND RAY KOONTZ, SPECIAL TO THE REGISTER, AUGUST 25, 2007

With our son in prison, we held out hope that a Democratic Congress would usher in a return to reason and would reform federal prison sentencing.

Eight months later, nothing has happened. Drug addicts and mentally ill people continue to be incarcerated, and tax dollars continue to be wasted.

We had hoped to see Congress reinstate parole in the federal prison system and outlaw mandatory minimum sentences, which take discretion away from judges. We had hoped to see the release of nonviolent offenders who had served more than 10 years and are over age 45.

Beyond wasting money, continuing to warehouse them past that age is just plain criminal.

Forgotten in all of this, of course, are the prisoners, rotting away at taxpayer expense. They work at less than slave wages, with no hope of parole and no treatment for their mental illnesses or addiction.

Here's a glimpse at a rare visit:

They stare out through bars as their families drive into the parking lot. We wave toward the window that we know to be theirs, smiling through our tears. We fill out forms and take off our shoes and belts. Rings and watches go through metal detectors.

We're not allowed to wear toeless shoes, sleeveless blouses or jackets past a certain date, even though it's chilly in the visitors room. We can't carry purses, only clear plastic, with \$20. Everyone runs for the vending machines. We'll be here six or eight hours, and that's the only food available.

We wait, nervous, anxious for our son to come through the door from the cell area. There he is, smiling, hurrying toward us, arms outstretched for our far-too-seldom hugs and kisses. That's all we're allowed.

We long to hold him, touch him, make sure he's still whole, body and spirit. We're not allowed. Only one hello hug and kiss, and one in saying goodbye.

We talk about everything and nothing. He catches up on family doings. He longs to attend the Koontz family picnic, play ball with cousins, visit with aunts, see all the new "little ones" born in the past 11 years.

Unless Congress acts to remember our forgotten sons and daughters, we won't live to see our son at our table again.

Prison building is a growth industry in the United States today. Once a prison is built, it's a capital investment and must be filled. The jobs, once created, must be sustained for those working them. Small towns compete for "prison industries," while we outsource real manufacturing jobs overseas.

Sons and daughters of the working class fill these prisons, kids who drank too much and used illegal drugs, hurting themselves and those who loved them. Forty-five percent of federal prisoners suffer from mental illness, according to the most recent Department of Justice data.

Fifty percent reported using illegal drugs in the month before their offense, but less than half of those classified as drug dependent or abusing took part in any drug treatment since their admission to prison, the department reported.

These mentally ill people and drug abusers have been forgotten by lawmakers who get elected on "tough on crime" platforms.

Many people say, "Well, they broke the law." Yes, and they destroyed themselves and their families in the doing. Should taxpayers spend millions each year "protecting" themselves from people who themselves need protection - but only from themselves and their illnesses?

Our kids are sick. Let's stop locking them away. Contact your representatives in Congress to demand changes in federal prison laws. Are representatives meeting the needs of their constituents and these forgotten prisoners, or are they meeting the needs of special interests?

At election time, we should not forget those who let this terrible travesty of justice continue.

Now, the presidential hopefuls are coming to town, promising job protection, health care and education. Some want to protect the "sanctity" of the unborn while ignoring the lives of those already here.

The poor, jobless, homeless, mentally ill, addicted and imprisoned are all ignored. Oh well, they won't vote anyway.

The candidates have to raise big bucks to buy TV time to keep K Street vendors as friends. Yet, after November 2008, the prisoners, our loved ones, will be forgotten again for another four years.

Please let our son come home.

Ray and Fran Koontz live in Des Moines. Their son, John, 51, is serving his 11th year in federal prison on drug and weapons charges. He was sentenced to 25 years. There is no parole in the federal system, and prisoners must serve 85 percent of their sentences. Unless the laws are changed, John Koontz will be 62 when he's released.

INFORMANTS ... CONTINUED FROM PAGE 10

conduct at first blush committed in Atlanta, and in Tulia, and in Dallas, and in a host of other places was criminal conduct by law enforcement officers and that conduct should be punished vigorously... We need to instill an ethical culture that says that the ends never justify the means... We only have one opportunity to have credibility in our courts and in our communities," Brooks said.

"It was a really good hearing," said Bill Piper, director of national affairs for the Drug Policy Alliance. "Conyers said he wants to introduce omnibus legislation overhauling the use of confidential informants. Right now, we and the ACLU Drug Policy Law Project are working with his office to come up with specific language," Piper said. "The question now is what the bill is going to look like. If anyone has suggestions, contact us or Conyers' office," he said.

"The hearing was amazing!" said Ana del Llano, informant campaign coordinator for the ACLU Drug Law Reform Project. "We are

hoping that when Congress comes back from recess in September, we will be able to have a bill filed."

Advocates are focusing on a number of reforms surrounding the use of informants:

- * Guidelines on the use and regulation of informants' corroboration;
- * Reliability hearings, pre-warrant and pre-sentencing;
- * Performance measures;
- * Data collection;
- * Requiring federal agents to notify state and local law enforcement when they have evidence that their informant committed a violent felony, or evidence that an accused person is innocent;
- * Placing conditions on federal funding that will require state and local police to follow the provisions of this legislation.

"It's about time — both for hearings and for the passage of legislation to rein in the snitches", said Nora Callahan, director of the November Coalition, a drug reform group that concentrates on federal drug war prisoners. "The informant system is a secret, hidden policing system," she said. "When queried, most

police departments, federal, state and local, don't have any written policy or procedures with regard to their use of informants. How dependent is law enforcement on a system of snitches? Police departments can't give us data on snitches. Researchers have discovered that about 90% of search warrants are granted by judges who see nothing more than an officer's statement from a confidential informant. They bust down doors on words of people trading information for police favors."

The system is truly pernicious, Callahan argued. "Some psychologists teach police departments how to turn people into cooperators, also called informers or snitches. It's time, the threat of long years in prison, that reduces people to rolling over on their mothers, or their best friends," she said.

Now, at long last, Congress may intervene. But last month's hearing was only the beginning.

Watch the entire hearing online and read official written testimony at: judiciary.house.gov/oversight.aspx?ID=356

Art is a Window to Other Worlds

By NORA CALLAHAN

A friend for 22 years cut my hair at the end of July. "Where are you heading off to now?" she asked, knowing that I trim my own bangs until I'm leaving town. "Kansas Cities; Missouri and Kansas. They are next to each other, must confuse people."



What are you doing this time?

Something I've never done before. Helping some young people broach the subject of snitching, the overuse of informants in drug war policing and imprisonment. Socially, it's a tangled subject and there's a lot of fear; kids involved in music scenes often get labeled and targeted. They sent me a CD of their hip-hop music. A few of songs burned a hole in my heart, and I enjoyed listening to them over and over.

She laughed. She has a great laugh; it starts low, from the inside. How did you meet them? Actually, I haven't met them — I'll meet them tomorrow. A young man in prison creates this spoken word and hip-hop music to artfully present social questions. They know that all the snitching — setting people up to do crimes to get themselves out of prison time — doesn't make people safer. It breeds disrespect for law, and they're using music to tell about it. I use written words, lecture on it and we're going to put our techniques together and invite the public to talk about it.

I know she's stuck on the hip-hop images, the inner city gig and she interrupts me, or I stopped rambling — I don't remember. She stopped cutting my hair for a moment.

Yeah, I know it's weird; a rural white lady going to an urban Midwest region to lead an afternoon public discussion on snitching, and the organizers are hip-hop

artists. It's out of my comfort zone, and people in Kansas City probably freaked out, too. But we don't solve problems in comfort zones, and without crossing gender, race, age divisions. It's going to be great, even if we're all scared to death.

Two days later: Joe Gonzales Jr. and Earl called us from Leavenworth Federal Prison right after the event. We were overly excited because we'd had a good turnout, one of the best events and discussions the Humanists hosted in some time, so they told more than one of us. A television news station filmed the entire event — my presentation, a song from the CD *Stop Snitchin' 2*, and the Q & A session. The former mayor pro tem was there, too.

At a BBQ later that evening, we filled Joe and Carol Gonzales' living room to see our issue explained

briefly as lead story on the nightly news.

Since that time, Congress held first hearings on the problems created by over-reliance on informants, and the ALCU has launched a project that focuses on this controversy. Both stories are covered in this issue of the *Razor Wire*. Problems of the informant system need public review and resolution, and people pictured here deserve lots of praise for organizing to teach truth about a contradictory community issue.

If you live in the Midwest, we hope you'll join these organizers for the 2nd annual convening where they'll tackle another subject of keen public interest in drug war injustice. I'm hoping for a full-blown hip-hop concert, too!

By autumn I'd be in Philadelphia with film, print, radio multimedia professionals, and grassroots organizers. *Thousand Kites* — a national dialogue project about communications within the criminal justice system — brought us together.

"Art is a window to another world, a way to connect to people that engages them, empowers them. Engaged and empowered, we can struggle for a long time because we won't be alone." Those were the first notes I wrote, after sentiments of our first roundtable discussion had been summed up best.

Thousand Kites is the work of Appalshop out of Whitesburg,

CONTINUED ON NEXT PAGE



Alvin Brooks (right)



The Gonzales family



Carol with family



Joe Gonzales and World League Records

Unlocking America: The Authors

JAMES AUSTIN is the President of the JFA Institute. Prior to that, he was the Director of the Institute of Crime, Justice and Corrections at the George Washington University, and Executive Vice President for the National Council on Crime and Delinquency. Dr. Austin received his Ph.D. in sociology from the University of California, Davis. He began his career in corrections with the Illinois Department of Corrections in 1970 at Statesville Penitentiary. He was named by the American Correctional Association as its recipient of the Peter P. Lejins Research Award, and received the Western Society of Criminology Paul Tappin award for outstanding contributions in the field of criminology. He also has served as the Chair of the National Policy Council for the American Society of Criminology. In 2007 he was appointed to the California Department of Corrections and Rehabilitation Expert Panel on Adult Offender Recidivism Reduction Programs. He is the co-author of *Its About Time: America's Imprisonment Binge* (with John Irwin).

TODD CLEAR is Distinguished Professor, John Jay College of Criminal Justice, City University of New York. He received a Ph.D. in Criminal Justice from The University at Albany. Clear has also held professorships at Ball State University, Rutgers University, and Florida State University (where he was also Associate Dean of the School of Criminology and Criminal Justice). This year he was elected president of The American Society of Criminology. His work has been recognized through several awards, including those of the American Society of Criminology, the Academy of Criminal Justice Sciences, The Rockefeller School of Public Policy, the American Probation and Parole Association, the American Correctional Association, and the International Community Corrections Association. Dr. Clear is author of *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Communities Worse* (Oxford University Press, 2007).

TROY DUSTER is Silver Professor of Sociology and Director of the Institute for the History of the Production of Knowledge at New York University. Professor Duster received his Ph.D. in sociology from Northwestern University. He also holds an appointment as Chancellor's Professor at the University of California, Berkeley. He is the past-president of the American Sociological Association and a member of the Board of Advisors of the Social Science Research Council. He is the former Director of the Institute for the Study of Social Change, both at the University of California, Berkeley.

DAVID F. GREENBERG is Professor of Sociology at New York University. He received his Ph.D. in physics from the University of Chicago. He is the author, co-author or editor of *The University of*

Chicago Graduate Problems in Physics, with Solutions, Mathematical Criminology, Crime and Capitalism, Linear Panel Analysis: Models of Quantitative Change, The Construction of Homosexuality, and "Criminal" Careers, as well as dozens of journal articles. His research focuses on crime and criminal justice, law, deviance and social control, human sexuality, statistical methods and mathematical modeling, computational linguistics and Assyriology. He (along with John Irwin) was a contributing author to the American Friends Service Committee's influential report *Struggle for Justice: A Report on Crime and Punishment in America*. Professor Greenberg is a Fellow of the American Society of Criminology.

JOHN IRWIN is Professor Emeritus at San Francisco State University where he taught sociology for nearly three decades. After serving a five year sentence for armed robbery in California's prison system, he received his Ph.D. in sociology from the University of California, Berkeley. His considerable research on prisons and sentencing has been published in five books: *The Felon, Prisons in Turmoil, The Jail, It's About Time: America's Imprisonment Binge* (with James Austin), and *The Warehouse Prison*. He (along with David Greenberg) was a contributing author to the American Friends Service Committee's influential report *Struggle for Justice: A Report on Crime and Punishment in America*. As an organizer and leader of the Prisoners' Union in California, he worked closely with the California legislature on the Uniform Sentencing Act passed in 1976. He received the August Volmer award from the American Society of Criminology for outstanding contributions to criminal justice.

CANDACE MCCOY holds an appointment at the Graduate Center of the City University of New York and teaches in the doctoral program of the John Jay College of Criminal Justice. Dr. McCoy received a J.D. from the University of Cincinnati and a Ph.D. in Jurisprudence and Social Policy from the University of California and is a member of the Ohio bar. She specializes in the study of criminal justice policies, researching and teaching on such topics as sentencing, plea bargaining, jury decision-making, and police practices. Her most recent publication on these matters is "Plea Bargaining as Coercion: The Trial Penalty and Plea Bargaining Reform," *The Criminal Law Quarterly*, Vol. 50, No. 1 (2005). Professor McCoy has conducted many evaluations of innovative programs and has consulted widely with federal and state criminal justice agencies most recently as Chair of New Jersey's Criminal Disposition Commission, and is currently working with the Scottish Centre for Crime and Justice Research to develop restorative justice practices as conditions of probation. She has received the American

Society of Criminology's Herbert Block Award for distinguished service to the profession.

ALAN MOBLEY is an assistant professor in the School of Public Affairs at San Diego State University. He received his Ph.D. in Criminology, Law & Society from the University of California, Irvine. While a prisoner in the Federal Bureau of Prisons he earned Master's (Sociology, Vermont College, 1994) and Bachelor's (Economics, SUNY, 1991) degrees. Dr. Mobley is a founding member of All Of Us Or None, an organizing initiative to guarantee civil rights for former prisoners. He sits on the editorial board of *The Journal of Prisoners on Prisons*, and is a board member and Past-President of Visions for Prisons, a nonprofit agency offering support services to prisoners and prison staff. His current action-research focuses on community and restorative justice, peacemaking and multi-stakeholder dialog, and community based service-learning. He directs several grant funded projects in these areas.

BARBARA OWEN is a nationally-known expert in the areas of girls, women and crime, women-centered policy and women's prison culture. A Professor of Criminology at California State University, Fresno, she received her Ph.D. in sociology from the University of California, Berkeley in 1984. Barbara Owen has written extensively on issues confronting women enmeshed in the criminal justice system. She is the author of *In the Mix*, an ethnography on women's prison culture and co-author of *Gender-responsive Strategies: Research, Practice and Guiding Principles for Women Offenders*, which received the University of Cincinnati award for contributions to correctional practice. She regularly consults for state and federal correctional agencies on such gender related issues. Her work was most recently honored with the Saltzman Award by the Division of Women and Crime, American Society of Criminology.

JOSHUA PAGE is an assistant professor of sociology at the University of Minnesota. He received his Ph.D. from UC Berkeley, where he published research on prison education and conducted an in-depth study of the California Correctional Peace Officers Association (CCPOA). Professor Page is currently writing a book on the CCPOA and the politics of punishment in California. Further, he is directing a study on the transition of youthful offenders from juvenile correctional facilities into the community, identifying factors that facilitate or obstruct the youths' ability to live successful, crime-free lives. He is also gathering survey data on the attitudes, demographic composition, and working conditions of prison officers in Minnesota.

ART ... CONTINUED FROM PAGE 12

Kentucky. Appalshop has other projects including *Calls From Home*, an annual holiday radio show for prisoners and their family members. They also produce a weekly radio broadcast, made a film called *Up the Ridge: a US Prison Story*, and their theatrical plays entertain and provoke grassroots volunteers across the country. If you have Internet access, see www.thousandkites.org for more information.

If you don't have Internet access, but know about a community radio station near you, ask programmers to visit www.thousandkites.org and consider airing programs available there, and at www.november.org. Some prisons may have a community or public radio station. Write down their address, and let them know about these pre-recorded programs; share your imprisonment stories, too.

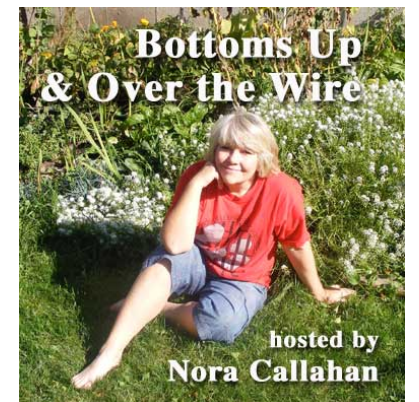
If you have poetry, short stories, sketches, and homegrown music — your creative expressions can become part of film shorts, radio programming, and theatrical plays. Send submissions along with your written permission to use in multimedia productions to: November Coalition, 282 West Astor, Colville, WA 99114, Ph: 509 684-1550, or visit www.november.org for more information. Contact *Thousand Kites* at 91 Madison Avenue, Whitesburg, KY 41858, Ph: 606-633-0108 or visit www.thousandkites.org.



Nora Callahan interviews with Kansas City news media



Stop Snitchin' Vol. 2 is available from World League Records at www.myspace.com/th3associat3s



For details, see www.november.org/podcast